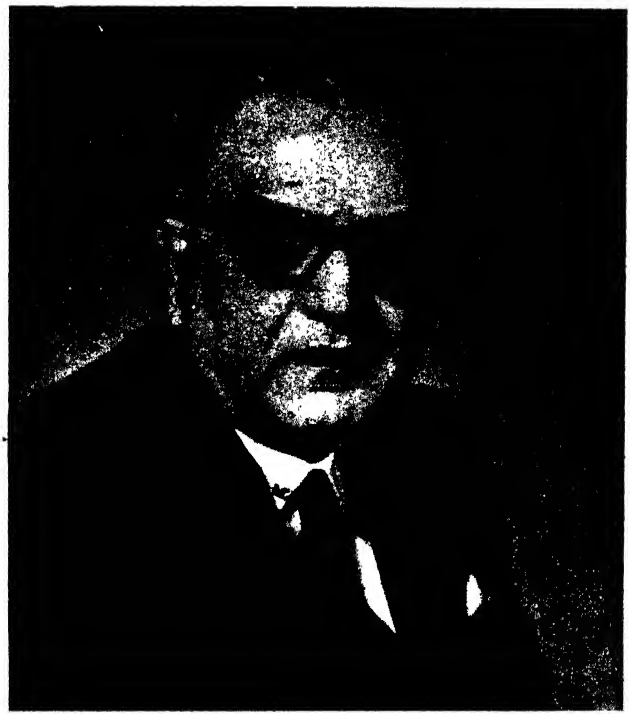
ROSES IN DECEMBER



M. C. Chagla

ROSES IN DECEMBER

AN AUTOBIOGRAPHY

M. C. CHAGLA

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BHARATIYA VIDYA BHAVAN
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"God gave us memory
that we might have
roses in December"

To

My Wife

whose loyalty and devotion will always abide with me as one of my most precious memories

Preface

A BOOK is generally the result of co-operative effort. It is not what the author writes that ultimately gets published. He receives suggestions, criticisms, advice as to what to omit and what to put in. Most important of all, he must be persuaded to write it in the first place. The book may be in his mind, and might remain buried there. The literary adventure begins to take shape when the first line is written and then, unfortunately for the reader, the explosion follows.

I owe the idea of writing this book to my younger son Iqbal. I had an eye operation, when I was compulsorily prevented from reading anything for a whole month. As is usual with me, I was fretting and fuming and was looking round for something to do. Iqbal placed a tape recorder by my side and told me to start dictating the book then and there. With considerable hesitation, and for want of anything better to do I started. Almost all the first 75 pages were dictated on the tape recorder. I am deeply grateful to Iqbal's wife, Roshan, for taking down the recording in shorthand and typing it. I know what a laborious and wearisome task it was. It was cheerfully and ungrudgingly performed. The rest of the book was dictated to stenographers, most of it to Shri Pithavalla, whose services Shri Nani Palkhivala very kindly lent to me. He did an excellent job and sent the transcript exactly as I had dictated it—not a distorted unintelligible version of what I had said.

I have worked fairly hard throughout my life; but the labours involved in writing this book was something for which I was never prepared. If I knew, I might have paused, perhaps withdrawn from the undertaking to the undoubted relief of my potential readers. The dictation, apart from tape-recording, took

over 60 hours, and almost twice the time was taken up in going through the files of 50 years—press cuttings, speeches, broadcasts and letters, most of which had been painstakingly preserved by my wife.

I am deeply thankful to Shri Morarji Desai for the use I have made of some of his letters, to the Jawaharlal Nehru Memorial Trust for the letters of Nehru, and also to All India Radio for quoting an extract from the broadcast I made on 27th May 1958 entitled "As I Look Back".

I have also to thank Iqbal for going through most of the book chapter by chapter, and making valuable suggestions many of which I have incorporated.

The selection of a publisher is a crucial decision which an author has to take. The success or failure of a book depends as much upon what the author has written as upon the manner in which it is published. I am very happy that I selected Bharatiya Vidya Bhavan—largely because it was the creation of Dr. K. M. Munshi and my close relationship with him. I have to thank its Executive Secretary and Head of the Department of Publications Shri S. Ramakrishnan and its Production Manager Shri M. K. Rajagopalan for the assistance they gave me and the way they worked with a dedicated spirit to make the book a model of good production. I have also to thank the Press, the Inland Printers, for the very fine job they have done. If the book fails to meet with the approval of the reading public, it will certainly not be due to the Publishers or Printers.

And finally I must in anticipation express my thanks to the reader. If he has had the patience to go through to the end of the book, my labours will not have gone wholly unrewarded. It is rarely that the life of any individual is of genuine interest to others. But I have played a small part in the unfolding of India's history in the last 50 years—and the interest of the book to the reader should lie not in what I did or what I said, but in the pattern of history in which individuals are only instruments; it is through them that the final design is worked out.

M. C. CHAGLA

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CHAPTER ONE

Why an Autobiography

WHY does a man want to write his autobiography? That is the first question one must consider, and answer before starting to write. Is it to justify oneself to oneself, or to justify oneself to one's contemporaries, or to justify oneself to posterity?

There is no doubt that in one sense at least an autobiography is an off-shoot of ordinary human vanity. One does not want whatever one has done to be completely obliterated, because men's memories are short, while something that is in print is much more enduring. Usually, one is rewarded with an obituary notice, but fortunately or unfortunately it is not possible for one to read it.

I remember what a British Prime Minister, H. H. Asquith, once said at the Oxford Union at a function held to unveil his bust. F. E. Smith, later Lord Birkenhead, was asked to perform this ceremony. It is typical of English public life that although at that time Asquith and Birkenhead were in opposite camps and politically sworn enemies, still because they both belonged to Oxford and had inherited a common tradition, they were prepared on occasions to forget their political differences and come together on some other platform where they could have common ideas and exchange one another's thoughts. F.E. made a brilliant speech, full of humour, and not without a few subtle digs at Asquith and his political past. But what I remember is the reply that Asquith gave. He began by saying "As I was

listening to my Right Hon'ble friend, I felt I was reading my obituary notice in *The Times.*"

Obituary notices are notorious for the impersonal way in which they are usually written. They are a mass of biographical data—X was born on such a day, in such a month, such a year, was educated at such a school, such a university, got so many degrees and awards and did this and that. They are achievements chronologically recorded, but there is hardly anything human or individual about these notices. One does not get to know about the man's ambitions and aspirations or his disappointments and disillusionments. The public reading the obituary notice either applauds the many-sided life the person has led, or remembers the many mistakes or follies he has committed or been guilty of. But, whether the obituary notice is favourable or unfavourable, it is nothing more than a chronology, a history, not of the times, but a bare bald history of the man. One sees the skeleton, but never suspects the skeleton had flesh and blood. Therefore, to write an autobiography, as if it were an obituary notice in anticipation, would be for me a most futile undertaking.

I could start by giving the date of my birth and take my readers through every step and stage of a rather long and, very often, a dull life. This method, to my mind, even in a biography would be inexcusable, although in Victorian times it was understood that, when a leading politician died, somebody was appointed to write his official biography which was always presented to the readers chronologically and all that he had done and all that he had written was made the subject matter of the book. There have, in fact, been biographies and autobiographies which have been written from a different point of view and in a different style altogether. The latest instance is Monsieur Andre Malraux's *Anti-Memoirs,* which really constitutes a sort of revolt against the fashion of writing memoirs in their chronological sequence. Malraux's manner is to write more from the point of view of subject matter. But it is also something more. He takes up a theme or an idea or a personality, and weaves round it or him his own recollections and reflections. He jumps from continent to continent, from period to period, from subject to subject.

There is no sequence in time or any logical development of a particular subject.

There is also the autobiography of Lord Haldane, which I have always considered to be one of the best autobiographies in the English language. Haldane, as it were, looks objectively at his own life and in a famous last chapter sums it up and tells his readers what his philosophy of life is, and what he has learnt from living. He is emphatic about one thing, and that is that one life is enough for any man. He also rightly says that what ultimately matters is not the result or the success or failure but the quality of the work done, the passion that is brought to bear upon anything that one takes in hand. I should like this last chapter to appear in every text book that students of English have to learn in schools or colleges. It is the philosophy of a brave, courageous, fair-minded person who has no illusions either about life or about himself.

There is also Lord Morley's *Recollections*, which impressed me a great deal when I read it for the first time. Right at the beginning of his memoirs, he says that he went to Lincoln College, Oxford, because his father wanted him to go to that college for the reason—a rather curious one—that his name was John Morley, and John Wesley, the famous religious reformer, had also been to Lincoln. As it happens, and as I shall mention later in greater detail, I also went to the same college. Another book of Morley—*The Life of Gladstone*—had perhaps on me the greatest effect of any book I read in my early days. I was entranced by the way Morley dealt with the subject, and I learnt not only about the character, the education, the religious outlook of Gladstone, his political life, his prime ministership, his famous electoral campaigns, but also the contemporary life of England throughout the period that Gladstone lived. The book is a combination of biography and history and when I read it, the ambition grew that I too should go to Oxford, possibly to the college in which Gladstone had studied—Christ Church—and also enter public life and participate in debates in Parliament.

After I passed my intermediate examination in Arts at Bombay University, I applied through the Registrar for admission to

Oxford. I still remember the interview I had with the Registrar of the University, Dr. Dastur, a very famous person, very old in age, with an almost miraculous memory. He could remember the face of every student he had met and the marks he had scored at the University examination. Dastur asked me whether I had any preference for any special college in Oxford and I promptly replied I wanted to go to Christ Church. He looked at me and asked me why I had made that choice. I gave the rather naive reply, "Because Gladstone had gone to Christ Church." I knew all about life at Christ Church through Morley's book, and I thought life there would be fascinating and stimulating. Dastur promised that he would do what he could. When I got my admission, and saw the Registrar again, he looked at me and said: "Sorry, young man, you have got admission not to Christ Church but to Lincoln!" I did not know then, as I had not read Morley's *Recollections*, that if I could not go to the college of Gladstone, I would go to the college of his biographer. Because, when I entered the hall of Lincoln College I saw a large portrait of Morley who was considered one of the most distinguished alumni of that college.

The reading of Morley's *Life of Gladstone* had a decisive effect on my character and future career. I came of a commercial family which had very little to do with law or politics and I would, perhaps, have in the normal course taken to a career in commerce. But, I read this book at a time when I was young and impressionable and when a strong influence coming from any quarter can determine the direction of one's future. At Oxford I did Modern History because I felt that one should have a historical background for a successful public career. We had to select one special subject for the final history examination, and the subject I selected was *The Practice and Procedure of the House of Commons*. My friends were surprised that I should select a subject so remote from India and Indian conditions, and they wanted to know why I was interested in such dull and dreary things as the Standing Orders of the House of Commons. I did not tell them that I hoped one day to join a legislature in India, and that a knowledge of the procedure of the parliament in England would be very helpful.

Readers will note that this was as far back as 1919. I was not very much interested in law; and perhaps more for its own sake and in order to have a profession, I got admitted to the Inner Temple; passed the necessary examination, and was eventually called to the Bar. My intention was to plunge straightaway into public life, and ignore any claim that the legal profession might have had on me. When I left India for Oxford, I was a member of a fairly affluent family, and the question of earning my living did not at all arise. When I returned from Oxford, I found that my family had lost all the money they had and I would have to start life virtually as a pauper. It was then that I went down on my knees and thanked whatever gods there be that I had qualified myself for a profession which would enable me at least to make both ends meet.

I am anticipating much that should legitimately belong to other parts of this book, but the reason why I have mentioned this is to emphasise another reason why an autobiography might be written. I believe that if a man has lived a fairly full life and has had experiences in diverse fields, he should write about them so that his readers could either derive positive benefit or learn how to avoid the pitfalls into which they might otherwise fall. Many of our great leaders have not left for posterity a record of their experiences, the success they achieved, the manner of achieving it, and the obstacles they had to meet and overcome.

I remember when I was at the Bar I was to a great extent responsible for Sir Chimanlal Setalvad's writing his autobiography. I told him: "You have lived a life which comprised many facets; you have played many parts and many rôles, and when you pass away, no record, or very little record, will be left of the work you have done. Therefore, please take the trouble, and put down in black and white something of your life-history so that future generations may benefit from it." I am glad that Sir Chimanlal did write his autobiography, though, to be honest, I do not think it is half as good or colourful or interesting as his own life had been.

The most important reason to my mind for writing an autobiography is to gather and put permanently between the covers

of a book the memories of one's past which has given a gleam and a glow to the whole of one's existence. One cannot write one's autobiography when one is young, or at any rate one should not, because one is still dreaming of the future. It is when one has come, more or less, to the end of one's life, and when all passions are spent and one ceases to dream of the future, then is the time for reminiscence and recollection and summing up. There are memories which one cherishes and there are memories which one would rather forget.

We have also to reckon with such a thing as human vanity and a natural desire to preserve those associations and friendships which gave meaning and significance to one's life. There is thus a tendency to make a selection which is favourable to oneself, and which in the December of one's life permits one to enjoy the fragrance of roses—that is why I have called this book *Roses in December*. If all memories are painful it would, I imagine, be impossible to write an autobiography because one would then be re-living the suffering, the torments and the torture which one has already gone through. But it is because there are memories in every life which one would like to preserve for ever and re-live in thought and imagination, if not in reality, that an autobiography becomes possible.

In many places the book may appear to be too egotistical. But I am afraid that cannot be helped in an autobiography. After all, one is writing about one's own life and, despite one's efforts to erase it, the ego must persist in intruding, and cannot be wholly eliminated. In justification I can do no better than quote what Somerset Maugham has said in his book *The Partial View*:

> "I must write as though I were a person of importance, and indeed I am—to myself. To myself, I am the most important person in the world; though I do not forget that, not even taking into consideration so grand a conception as the Absolute, but from the standpoint of commonsense, I am of no consequence whatever. It would have made small difference to the universe if I had never existed. Though I may seem to write as though significance must necessarily be attached to certain of my works, I mean only that they are of moment to me for

the purpose of any discussion during which I may have occasion to mention them."

There is one more question which one has to decide for oneself before launching on such a venture—'How much should one tell?' No author ever lives in isolation or in a vacuum. He has had contacts with various people, in various walks of life, at various times and in various circumstances. Is it permissible to say things which hurt the feelings of others or which bring back to public memory things which are best forgotten? Is it permissible even with regard to oneself to relate everything, even when some of it may be wholly personal and highly intimate?

I think the author must tell the truth and nothing but the truth, but he cannot and should not tell the whole of the truth. Very often he would be passing judgments *ex-parte* and *in absentia*. He might not know the point of view of the other side. He might not even know all the facts. Some may think that to condemn and to demolish is, among other things, the inherent right of an author. But the power which this right gives can be so great, and sometimes so immeasurable in its consequences, that I think that every author should pause to ask himself the question, 'Have I the right to say this? Have I the right to pass judgment here?' This is because I do feel, ironically enough, having passed judgments for almost 20 years of my life, that no man is, in fairness, entitled to sit in judgment on others. He can only relate facts and circumstances as he sees them. He may even draw certain inferences, but the right to condemn or pronounce guilty is a right which, in human affairs, can never be fairly and equitably exercised by one man in relation to his fellow men. That right should be left to history and to the verdict of posterity.

History has an objectivity and a dispassionateness which men, who pretend to write history, do not always possess. Therefore, when a man is writing about contemporary events and about people, many of whom are still alive, he should tread cautiously and gently, and leave to the future the task of apportioning blame or giving credit for action taken or intended to be taken and not taken.

CHAPTER TWO

School and College

WHEN one is old and grey and full of sleep, one begins to sum up the life one has led and to try and pass judgment as objectively and as dispassionately as possible on what one has achieved or failed to achieve, the reasons for one's successes and failures, the cross-roads with which one was faced at various stages and the choice that one made in taking one road rather than another.

I am not a fatalist. I do not believe that man is wholly the creature of some preordained design or plan which he has blindly to follow and over which he has no control whatsoever. I do believe that man has the freedom to choose and has been given the opportunity to choose. He is fully responsible for his actions, and he cannot escape that responsibility by pleading as an excuse an unalterable fate which controls and dictates his actions from time to time. He cannot say that he is merely playing a part in a play that has already been written for him, and that he cannot change or alter the part, or stray from the stage or the particular spot on the stage assigned to him.

But even though I believe in man having the freedom of will to act and although I refuse to subscribe to a philosophy which makes out that action is difficult and often futile, I still think that what I might call, and what Haldane has called, the 'contingent', plays a very important part in one's life. It is both folly and vanity to ascribe the achievements of one's life as entirely

due to one's own effort, because the result is always conditioned by certain circumstances and contingencies over which one has no control. To start with, one has to function in the family in which one is born, and in the conditions and circumstances in which one is born, and in the country and the age in which one has to play a part. Over these conditions a man has no control.

Whether a man is born in a wealthy family where he has opportunities denied to others, or whether he is born in utter abject poverty does not depend upon his own volition. But he has the choice within those limitations to act in any particular manner. A poor man's son can get over his difficulties and limitations, and a rich man's son may squander away the gifts which may be showered upon him at the time of his birth. As he progresses through life there are many occasions when a man has to function under circumstances which have already been determined for him. Certain decisions are taken by others which he cannot always control and his life is largely, and sometimes permanently, influenced by these decisions. It is one thing to say that when you stand at one particular point of time in your life, and when you have to decide whether you should take one path or another, the choice is entirely yours, and you make the choice after taking into consideration the various factors that are present. But it is quite a different thing when the path you have to take is not chosen by you and cannot be chosen by you, but is chosen by someone else or some other agency; then your right to act and your right to determine your course of action is conditioned by the fact that you have to pursue the path which has already been chosen. You cannot say that if you had chosen another path, the results might have been different.

In my own life, certain events had important consequences, and these events were the result of action to which I had to submit, against which I had no right of appeal, and which I was not entitled to challenge. In this and other chapters, I will consider some of the more important events which ultimately determined my future life, and which made possible whatever success I managed to attain and whatever achievement could be attributed to me.

People are apt to romanticise their childhood. There was nothing romantic or joyous about mine. I lost my mother when I was five years old, and I grew up a very lonely child. I lived in a world of my own, and dreamt my own solitary dreams. There are two or three incidents in my childhood which stand out, and which I would like to record. We used to live in the heart of the city; and at a very young age I was made to attend a small school which taught Gujarati, and which was at a short distance from the house where I lived. Every morning a teacher from the school used to come to my house and take me to the school. I was terrified of this school because the Headmaster had the reputation of being very strict, almost to the point of cruelty. I would sit listlessly in the class-room with a slate and a chalk, and all that I did during the class was to trace the numeral 'one' in Gujarati on that slate. That was the measure and extent of my progress till my mother died. I remember one occasion when the teacher came to fetch me, and I clung to my mother's *sari* and begged of her not to send me to school, and I remember my mother patting me on the head, and asking me to go, because I must study and grow to be an educated man.

I also remember my grandfather who had a very venerable appearance. He kept a very fine beard, and I was his favourite grandchild. On the way to school, I had to pass the *pedhi*, or the shop in which he used to sit; and very often I succeeded in drawing his attention to me, and extricating myself from the grip of the teacher who was dragging me along to the school, and rushing into the arms of my grandfather. The teacher would remonstrate with him but my grandfather would send him away. A great treat then awaited me when my grandfather took me with him in a horse and carriage to some place in the suburbs where we had a godown and where part of the business was carried on.

After my mother's death, I was taken to Calcutta to my maternal grandfather's place, where I spent a year. There also I attended school, but it did not help me to make any further progress in my educational career. My mother's death was a great blow to me, and though I did not speak about it I felt that

soon as my mother died I was taken away from my house to the house of my aunt nearby. They had wanted to conceal from me the fact that my mother had passed away; but young as I was, I suspected that something was seriously wrong. And to this day I remember with horror the cry of *Allah Oh Akbar* which I heard when my mother's body was being taken to the cemetery. My aunt tried to shield me from the dismal spectacle of my mother's funeral, but not only did I suspect that my mother had died, I also felt certain that it was my mother's body that was being taken on her last journey.

When I returned from Calcutta to Bombay, I found that we had moved our residence from the heart of the city to Dadar, which today is a busy flourishing suburb of Bombay, but at that time, round about 1906 or 1907, was a sort of rural extension of the city. There were no trams then, and there were very few houses. And when you lived in Dadar at that time you did not feel as if you were living in a crowded city. It was at Dadar that I started going to a school that was to have such a great influence on my education. The school was called, and is still called, 'The Antonio D'Silva High School', where I spent three or four years before I moved on to St. Xavier's High School. The Dadar school was run more or less on the same lines as St. Xavier's High School, and so I had no difficulty in migrating from the one to the other.

There was a teacher in the Dadar school who took a special liking to me, and who helped foster in me an interest in reading and in books outside the text books prescribed for class-room study. I owe an infinite debt of gratitude to him because my love of reading began from the time when this teacher opened to my eyes the long, unending vistas of beauty and wisdom that lie within the covers of books written by the great authors of the past. But mainly it was to literature that he pointed his finger as a source, which, if cultivated, would give me unbounded pleasure for the whole of my life.

In school, too, I was lonely and studious, sticking to my seat, reading all the time, and hardly showing any signs of sociability. There was an incident that I particularly remember. The Dadar school was a Catholic school, and although non-Catholics were

admitted and were not obliged to join in any religious prayers or ceremonies, it was expected of them that they would show proper respect for the Catholic religion. Under the rules of the school, every morning and afternoon, before the class began, there were short prayers in which the Catholic students joined, while the non-Catholic students just stood up and waited till the prayers were over. One day, I was reading a book before the class started in the afternoon, and I was so engrossed in it that I did not notice the teacher coming in or the students getting up and the prayers starting. I continued to sit and read on. As soon as the prayers were over, the teacher called me out, and told me that I was guilty of gross indiscipline. He then asked me to hold out both my hands, and proceeded to give me six strokes on each hand. I took my punishment stoically and went back to my seat.

But I was terribly hurt, because I had a reputation in school as a well-disciplined student who would never stray from the beaten track. Needless to say, this punishment was received by my fellow students with a sly and malicious glee. We all know how cruel boys can be. The hurt to my pride and vanity was deep, and I suffered for a long time from what I thought was an injustice done to me. I had no intention of defying authority, or of being disrespectful to the Catholic religion, and I felt that the teacher should at least have asked me for an explanation before punishing me. I suppose I was already thinking of the rules of natural, in contrast to formal, justice which I had to administer many, many years later.

I must also relate a rather interesting sequel to this story. When, years after, I became Minister of Education in the Government of India, I was invited to some function at this very school as an old boy. And in my speech I related this incident in full. The teacher, who had punished me was there, though very old, and the poor man looked very abashed and very guilty for having caned someone who ultimately became a Minister, and a Central Minister of Education at that. I went out of my way to compliment the teacher, and told him that however much the punishment had hurt me at the time, it had taught me the lesson which I remembered for the rest of my life–that one must observe the

rules and one must be disciplined if one is to make any progress in life. What is true of the individual is also true of the nation, and in my later life I used always to emphasise the fact that in order that a nation might be great, it must be well disciplined in the first place.

There is another incident during my early days at Dadar which I particularly recall. Tilak was sentenced to six years' rigorous imprisonment by the Bombay High Court in 1908. Every Indian patriot felt that even though Tilak might have been technically guilty of the charge of sedition, the sentence passed by an Indian Judge—Mr. Justice Davar—was a savage one. The day after the sentence was passed, riots broke out in Bombay, especially in the Parel and Dadar areas. I had been following the trial of Tilak with some excitement; and when I read about the sentence I was most indignant and very much worked up. I felt that I should do something, but I realised my helplessness. My sympathies were with the rioters who were expressing their protests in the only way they could.

My people at home were, however, frightened about my safety, and so they sent me English clothes into which I should change from the Indian clothes which I was wearing. The reason was that the police had started beating up the rioters, and my people thought that if I were dressed in Indian clothes I might be mistaken for one of the sympathisers of Tilak and receive a severe beating at the hands of the police. But I am glad that I had sufficient self-respect to refuse to change my clothes and thereby pretend that I was on the side of the Government. I, therefore, braved the streets of Dadar leading from my school to my home dressed as usual in Indian clothes. Needless to say, nothing happened, and I was safely back home, although I received a lecture for my rashness and for not carrying out the instructions from home which, they argued, were based on sound common sense.

Many years later, my first visit to the High Court was undertaken with the intention of catching a possible glimpse of Tilak. I had read in the newspapers that judgment was going to be delivered in an appeal which had been filed against the conviction

of Tilak, and that the judgment would be given by Mr. Justice Bachelor and Mr. Justice Shah who had heard the appeal. The appeal on behalf of Tilak had been argued by Jinnah. I remember I went to the court rather early, in order to find a seat in the particular room in which judgment was to be delivered. I sat in the third row, and a little later, I found Tilak enter and take his seat in the second row. After a while, Jinnah came and sat in the first row reserved for counsel. Judgment was delivered, and the conviction to everyone's relief was set aside. Jinnah then turned round and warmly shook Tilak by the hand. I believe this was the first time that I had seen Jinnah. I might mention here that during my long association with him, I found that Jinnah always showed the greatest respect and regard for Tilak. Even when he was in the process of changing his political stand and becoming more and more communal, I never remember his ever saying anything which was derogatory of Tilak. Two persons in public life for whom Jinnah showed the greatest respect were Gokhale and Tilak He had hard and harsh things to say about Gandhiji, Nehru and others; but as far as Gokhale and Tilak were concerned, Jinnah had the most profound admiration and respect for them and for their views.

It is surprising that there should have been so much in common between Jinnah and Tilak. I understand that the regard Jinnah had for Tilak was reciprocated by Tilak. Jinnah told me that when as a junior he was reading in the chamber of Lowndes—Sir George Lowndes, who afterwards became a member of the Viceroy's Legislative Council, and later still a member of the Privy Council—Lowndes' opinion was once sought regarding some speech that Tilak had delivered. There was going to be a conference, and Lowndes asked Jinnah whether he had read the brief, and what he thought about it. Jinnah replied that he had not touched the brief and would not look at it as he wanted to keep himself free to criticise the Government for prosecuting a great patriot like Tilak. Jinnah said that Lowndes was amused at the indignation and enthusiasm of his young junior.

Jinnah also told me that after Justice Davar sentenced Tilak to six years' rigorous imprisonment the Government conferred a knighthood upon Davar, and the Bar Association of the High

Court of Bombay wanted to give him a dinner. A circular went round asking those who wanted to join the dinner to sign it. When the circular came to Jinnah, he wrote a scathing note that the Bar should be ashamed to want to give a dinner to a judge who had obtained a knighthood by doing what the Government wanted, and by sending a great patriot to jail with a savage sentence. It seems that Justice Davar came to know about this, and sent for Jinnah in his chambers. He asked Jinnah how he thought Davar had treated Jinnah in his court. Jinnah replied that he had always been very well treated. Davar asked him next whether he had any grievance against him (Davar). Jinnah said he had none. Davar then asked: "Why did you write a note like this against me?" Jinnah replied that he wrote it because he thought it was the truth, and however well Davar might have treated him he could not suppress his strong feeling about the manner in which he had tried Tilak's case. All this goes to demonstrate the great regard which Jinnah had for Tilak, and also the courage and the spirit of nationalism which Jinnah displayed as a young man.

By a happy stroke of fortune, I myself came to be concerned years later with this trial of Tilak by Davar in 1906. As Chief Justice of Bombay I had a tablet put up outside what used to be the Sessions Court in the High Court of Bombay on July 15, 1956. It was in this court that Tilak sat as an accused in the dock on that sad and memorable occasion, and was convicted to a term of imprisonment. In the speech I delivered at the time I stated that there was no honour or distinction which I valued more than the privilege I then enjoyed of unveiling that tablet. The words which were inscribed on the tablet were the stirring sentiments that Tilak had uttered from the dock:

> "In spite of the verdict of the Jury, I maintain that I am innocent. There are higher powers that rule the destiny of men and nations, and it may be the will of Providence that the cause which I represent may prosper more by my suffering than by my remaining free."

I had always felt strongly about this conviction and I was glad that I had at last had an opportunity to make some atonement

for the suffering that was caused by this conviction to a great and distinguished son of India.

I said in my speech:

"Disgrace tarnished our record and we are here to remove that tarnish and that disgrace. It may be said that this conviction was a technical compliance with justice, but we are here emphatically to state that it was a flagrant denial of substantial justice. Tilak was sentenced for the crime of patriotism. He loved his country more than his life or his liberty. The verdict that our contemporaries pass on us, the verdict that our times pass on us, is not of much value. We must always await the inevitable verdict of history, and the inevitable verdict of history is that this conviction is condemned as having been intended to suppress the voice of freedom and patriotism, and the action of Tilak has been justified as the right of every individual to fight for his country."

Referring to myself as occupying the post of Chief Justice, I said:

"If today the High Court is functioning in a free India, if there is an Indian presiding as the Chief Justice of this Court, let us remember that it is due in no small measure to the suffering and sacrifice of Tilak."

This action of mine was subsequently criticised by some as an attempt to introduce politics into the administration of justice. I remain unrepentant. I think I did the right thing on behalf of myself as the Chief Justice, of my brother judges and of the High Court. Justice according to law becomes a rather empty and futile expression when you are dealing with a much greater and a more exalted force like freedom or patriotism and the love of one's country. Therefore, without imputing motives to the judges who did their duty according to their light in convicting and sentencing Tilak, it was equally the duty of judges functioning in a free country to make it clear that what constituted a crime in British times had become a positive contribution to the freedom and progress of the country.

I should like to add as a footnote to what I have written above

that I myself met Tilak only once. This was in London during the time I was at Oxford and he had come there in connection with some litigation. If I remember right, it was the Valentine Chirol case. I went to see him in the house where he was staying, and although I was a young student and he was a great national leader, he received me with great courtesy and cordiality, and we discussed various topics for a long time. I have no recollection now of the subjects we discussed, but I came away from that interview with a feeling of deep admiration for the great qualities of head and heart which Tilak possessed.

Although Tilak had been a visionary, in that he had always before him the vision of a country that was free, there was also a highly practical side to his character. When it came to a discussion of day-to-day politics, he showed a realism and astuteness which visionaries usually do not possess. He knew what the final goal was, and he knew precisely what sacrifices were required to attain the goal. But at the same time he was prepared to consider whatever practical steps were possible in order to hasten the ultimate realisation of the dreams for which he had worked so hard, and for which he had sacrificed so much.

I studied in the Dadar school up to the 3rd standard, and then went to St. Xavier's High School from where I matriculated to the University. I should like to pay a tribute to the high educational standard that St. Xavier's High School maintained, thanks to the members of the Jesuit Society who conducted it. In past history the Jesuits had acquired a bad name, and the word Jesuit had come to have a rather unsavoury odour. The society unconsciously contributed a new word to the English language, as a Jesuit is sometimes supposed to be someone who is cunning and crafty and who does not care what means he uses, provided he attains his end. A Jesuit is also taken by some to mean an intriguer, a manipulator, a person who works behind the scenes and influences events and persons by methods not wholly ethical or proper. But, as far as education is concerned, I found the Jesuits, from my experience of St. Xavier's High School and St. Xavier's College, first rate administrators, and with a marked talent for imparting education. I owe a great deal to them; and if I went to Oxford not wholly unprepared to benefit by my stay

at that University, it was largely due to what I had been taught in school and college by the Jesuits.

I often heard the charge that in Jesuit institutions the Jesuits tried quietly and subtly to carry on proselytising activities. As far as I am concerned, and in my experience, this is completely and absolutely false. In all the years I spent in a Jesuit school and college, not once was the suggestion made to me about the superiority of the Catholic religion. Neither was there any denigration of my religion or of any other religion. Of course, the Jesuit school and college were primarily intended for Catholic students and Catholic students enjoyed certain advantages but, by and large, I did not find any discrimination between Catholic and non-Catholic students.

I can remember one particular incident which illustrates what I am saying, and which brings out rather clearly the impartiality with which the Jesuit fathers conducted the affairs of the school and college. There was a scholarship known as the Sir Cowasjee Jehangir Latin scholarship which was awarded to the student who stood first in Latin at the matriculation examination. St. Xavier's school had always, or almost always, secured the scholarship for one of its students. This is a matter of prestige, and the school went out of its way to train the student most likely to get the scholarship by giving him special and additional attention. I had taken Latin as my second language, and the choice of the candidate whom the school should prepare lay between me and a Catholic student. We were both supposed to be very good at Latin, and had reasonable prospects of getting the scholarship. Now, it could not have been said that the school had showed undue favouritism if it had selected the Catholic student, but it did not. For some reason, it thought that I was the better student and had a greater chance, and it was upon me that the honour fell of holding up the banner of St. Xavier's School at the matriculation examination in the Latin paper. I am glad to say that I did not let down the school, for I did get the scholarship.

Before I finish with my school days, I might mention how I came to acquire my surname "Chagla" We Indians have really no surnames. We call ourselves after our caste, village or

occupation. When I joined school, I was called 'Merchant' as my father and grandfather were merchants. I loathed this name because it was associated in my mind with filthy lucre, as we often think of money. In exasperation I asked my grandfather one day what he thought I should call myself. He patted my head, and said without hesitation "Chagla". I asked him the reason. He said that his father was an only son and his pet name was "Chagla", which in Kutchi which was his language meant "favourite". I promptly discarded the name 'Merchant', which seemed so obnoxious to me, and adopted the name 'Chagla' by which name I have ever since been known. I do not know whether I have ever been any one's favourite, but I have certainly had nothing to do with merchants or merchandise.

My transition from school to college was a simple and painless operation. Nowadays we hear a great deal about students going too early to college, being not sufficiently mature, and not being able to follow the lectures delivered there. Various suggestions have therefore been made, such as adding one more class to the secondary school stage or having separate intermediate colleges, and so on. But whether the standard of the school was very high or whether the teaching was exceptionally good, I did not find any difficulty in either following the lectures, or adjusting myself to the life of a college student. I was about 16 when I went to college, and although one had more freedom in the choice of one's subjects and also in the manner in which one spent one's time, I felt that I had entered college at the right time. I had no awkward feeling that I had been transplanted from school to college before I was fit to benefit from a collegiate education.

We started what we called a Previous Class Debating Society. There was a literary society in St. Xavier's College, but membership was confined to students in the Intermediate class and upwards. The first year students were not entitled to join the society or participate in the debates. Now, I had already developed a passion for debate, and I was anxious to speak as often as possible on different subjects. Already in school I had taken every opportunity of participating in debates held under the auspices of the Students' Union; and I already had a feeling that

I would ultimately adopt a career which would entail a great deal of public speaking. It was, therefore, necessary that I should both learn and practise the art of speaking. We, therefore, started the Previous Debating Society, a decision which was enthusiastically received by students in the first year. Unfortunately it did not last long.

I must record the curious circumstances which resulted in the untimely death of this society. I was then the Secretary of the society, and the very first debate I arranged was on the Montagu-Chelmsford Report which had just been published, and which dealt with the future Constitution of India and what progress it should make under the benign guidance and control of the British Parliament. I had asked a professor—Mr. S. M. Haji, who was Professor of History—to preside on the occasion. The debate started after the college was closed for the day at about 2 o'clock. The hall was full, and the debate was initiated by a fiery orator from Bengal who attacked the Montagu-Chelmsford Report as a farce and a fraud, and as something, which India, if it had any self-respect, should not accept. While he was in the midst of his oratorical performance and was indulging in rhetorical flights which were cheered by the audience, in walked the principal, Father Goodiar. Red in the face, he walked up to the platform and shouted, "The meeting is dissolved." We were all shocked. I was furious. I told Prof. Haji that it was not only an insult to the students, but an insult to him, that the principal should have dissolved a meeting without his permission. I remember we met in the corridor and we decided that we would resign from all societies till Father Goodiar apologised for his behaviour.

Now, Father Goodiar had set up a small exclusive society called the X Society to which he had invited a few students, the idea being that this society should privately discuss various problems which were agitating the minds of the people. Father Goodiar's intention was to train the minds of young potential politicians on the right lines and in the right direction. I had the privilege, if one might call it a privilege, of being one of the members of this society. What irritated Father Goodiar and prompted him to dissolve the meeting was the fact that I had

arranged a political debate without consulting him. He was also very angry because he felt that I should have realised that a subject like the Montagu-Chelmsford Report should have been discussed in the X Society and not in the Previous Debating Society in the presence of hundreds of students, where speeches could be made which might affect the reputation of the college as a non-political institution. He was particularly angry with me because he had hoped to take me under his protective wing, and train me through the X Society, as I had come to the college with a very good record from my school, having passed the matriculation examination with very high marks, and after winning some scholarships. Father Goodiar, therefore, felt badly let down.

Not only did this incident result in the winding up of the Previous Debating Society and also of the X Society, but the relations between Father Goodiar and myself became extremely strained. Then a problem arose. When I ultimately decided to leave college and go to Oxford, I had to get a character certificate from him. I knocked at his door, and he asked me in. I entered, and he looked at me with an expression that portended anything but welcome. He asked me what I wanted. I said: "Father, I am going to Oxford, and I want a character certificate from you." "Character certificate from me?" he asked in a tone which suggested that I was asking for something to which I was not at all entitled. I answered as politely as I could: "Father, I hope you have no objection to giving me a character certificate and I hope you don't feel you have anything to say against my character." Father Goodiar, I am sure, could have said a great deal against me if he wanted because, from his point of view, I was an unruly, seditious student; but he thought it wiser not to enter into an argument with me on that score and merely said: "All right, I will write out a character certificate. You may collect it later." I got a certificate which was as formal as a certificate could be, and apart from complying with the strict technical requirements of such a character certificate it did not have a word to say about my work or my aptitude for study or my career as a student—and of course, no word of personal recommendation.

There was an incident during my college career that I would like to record here since it shows how sometimes discipline has

to be maintained even at the cost of justice. I used to sit in the second row in my First Year class, and to my right was a boy who came from a distinguished family, but who nevertheless had the reputation of being one of the most mischievous boys in the class. How and why the two of us found ourselves together I have never been able to understand. We had a part-time professor by the name of Joshi, who used to teach us physics, and was also – a strange combination – practising in the High Court. He was a very fine man. He knew his subject well, and had a sense of duty. But he had a stern and forbidding appearance.

One day, as Joshi was writing on the black board, my neighbour put both his feet on the desk and started a drumming rhythm. Joshi turned round and looked in the direction of the noise, but my neighbour was too quick for the Professor and had already reverted to his habitual innocent posture. Joshi asked me to stand up and said: "I know you haven't done it, but I know that the noise came from your direction. And I also know that you know who made the noise. You tell me the boy's name so that I can punish him properly." I said: "Sir, I cannot give you the name." Whereupon he asked me to leave the class. I got up from my seat and, with my head bowed low, walked out.

The Professor's action was greeted with resounding cheers. The students felt overjoyed that a serious, solemn, well-behaved boy like me had been asked to leave the class. They knew that such a thing could never happen in the normal course, and therefore when it did happen accidentally, and through no fault of mine, they took it that I got what I deserved for trying to be a model student with an ideal character. That evening I went and saw Joshi in the Professors' retiring room. I told him: "Sir, was it fair on your part to punish me when you knew perfectly well that I had not done anything wrong?" Joshi asked me how else could he maintain discipline if students were not prepared to help him find the wrong-doers. I replied that I was not prepared to spy on my fellow students to help a professor maintain discipline. Joshi told me that in that case I must pay the price of my action.

The curtain went down on the scene as far as the college was concerned. Many, many years later when I became Chief Justice

and sat on the Appellate side, the same Joshi appeared before me. I looked at him and he looked at me, and we both remembered at once that far-off day when he had punished me. After that, whenever I met him outside the court, I used to joke with him, and tell the others who were present, that he was the teacher who had once punished me although I had not committed any offence. It, however, remains a moot question which of us was right when we get down to the fundamentals—Joshi or I.

Although I had secured admission to Oxford, the problem was to get a boat to take me to England. There was a long waiting list in view of the situation caused by the war. Priority certificates were issued by the Government, and my Certificate was C-5, which meant that in the ordinary course it might take months before I could get a passage. Fortunately for me, the Indian Shipping Co. purchased a hospital boat called the *Loyalty* and advertised that the boat would sail from Bombay with passengers, and that priority certificates issued by the Government would not apply to these passengers. The passage fare was much higher than what one had to pay if one went by the normal route by the P. & O. ships. I immediately grasped the opportunity and although my father had doubts about the advisability of my sailing by paying a larger amount, I presented him with what amounted to a *fait accompli* by telling the Company that I wanted a passage. There was nothing else he could do except to pay when he was informed that I had been granted a passage. The *Loyalty* had many interesting passengers. A number of ruling princes were on board and they made an interesting sight. I do not think I made any friends because I used to sit quietly on the deck, and read some book or other but, on the whole, I enjoyed the journey and I was glad to discover that I did not suffer from sea-sickness.

We reached London through a continental train which had been arranged for us from Calais to Dover, and when I ultimately arrived in England it was the month of April. Although strictly it was Spring, to my dismay I found that it was bitterly cold. Outside I found falling from the sky something that looked like pieces of cotton. I did not know what they were, and I enquired of someone about what was happening. The man looked at me with

surprise and asked me in wonder "Hav'nt you seen a snowfall before?" This was indeed my first experience of snow, but the trouble was with the clothes I had brought with me from India. In Bombay I had gone to a leading shop called Asquith & Lord, and had asked them what clothes I should take to England. The salesman, who was an Englishman, advised me that as I would reach England in the third week of April, the weather would be pleasant and not cold, and I should therefore order a spring suit and take a light overcoat, which I did. But his idea of the English weather turned out to be entirely wrong when I found myself reaching London during a snowfall and in conditions which were anything but spring-like. The first thing I had to do was to get a warm suit and a warm overcoat.

I did not proceed straightaway to Oxford because I had yet to pass the Oxford entrance examination known as 'Responsions'. My term at Oxford was not to start till October. So I had some time to spend in London while attending tuition classes to prepare for my entrance examination. I did not know a soul in that huge city. My father had given me some letters of introduction to people in business, but I found that they were either dead or could not be traced. The result was that I had to shift for myself without any help or guidance from anyone whatsoever. I was only about 19 at the time. I was in a strange country, and never in my life had I felt so utterly lonely and cut off from everything and everyone I knew or understood. I had a strong urge to go back to my country but I resisted the temptation with the greatest difficulty. Fortunately, after some time I came to know some people who were interested in politics, and more particularly in the development of the Indian Constitution, and I began to feel more at home in London.

About that time, the Joint Select Committee appointed by the British Parliament to consider the Government of India Bill dealing with the Indian Constitution, was going to begin its sittings. This Committee later examined a large number of distinguished Indian witnesses. The sittings of the Committee were open to the public, and I attended every session and learnt a great deal about the Indian Constitution, and also saw and heard most of the leading figures in Indian public life at the time.

During these proceedings I came to know two of them more closely, the Rt. Hon'ble V. S. Srinivasa Sastri and Pandit Hridaynath Kunzru who realised that I was interested in these matters and very kindly talked to me often on subjects which were of considerable interest and importance to them.

I am not going to deal with what the witnesses said before the Committee because that is a matter of history, but I remember hearing Mrs. Naidu, who made her statement in the manner of the great poet that she was, and I also remember the remark of Lord Selbourne who presided over the Committee. He thanked Mrs. Naidu and said: "Madam, you have added a poetic touch to our very prosaic deliberations." No other member examined or cross-examined her. I had met Mrs. Naidu once before in Bombay when I had moved a vote of thanks to her as a speaker at some students' meeting, but she had a wonderful gift of never forgetting a face she had seen, or the name of a person she had come into contact with. I never thought when I met her in London that she would remember me, but I felt flattered when she called me by my name, and asked me how I was. I thought there must have been some special quality in me which made her remember my face and my name. It was only later that I heard that this was a natural gift that she had, and that she remembered faces and names irrespective of merit or distinction.

I also saw Jinnah there. He was then staying in a flat in London. I remember calling on him, when he received me quite warmly, and talked to me about politics and about what was happening in India, and what was likely to come out of the labours of the Joint Select Committee. I had known Jinnah in Bombay and had come into close touch with him during my student activities. Jinnah was the President of the Muslim Students' Union with which I was associated, and he used often to come and address the students. His theme always was that the students should work for inter-communal unity without which we would not be able to shake off the British yoke and attain freedom for our country.

Jinnah in those days was the idol of the youth. He was the uncrowned king of Bombay. He was the President of the Home

Rule League, and he often spoke at Shantaram Chawl, which was the place where public meetings were held in the days before politics took the shape of a mass movement and the Chowpatty sands became the venue, instead of Shantaram Chawl, of public meetings. His finest hour was when he led a demonstration against Lord Willingdon, and succeeded in breaking up a meeting which was held in the Town Hall by the loyalists who wanted to present an address to Lord Willingdon on his retirement as Governor of Bombay.

I would go to Jinnah's chambers often to see him. I used to send in my card, but he told me that there was no necessity for observing formalities, and that I could walk into his chambers whenever I wanted to, even if he was in the midst of a conference. He would even interrupt the conference to talk to me. In those days he was very kind to me indeed. I also used to go to court to hear him plead, and I was greatly impressed by his fine personality, and the art of advocacy as he practised it, and of which he was a master. Before I left for England, I went to his chambers and requested him to permit me to work with him on my return, when I expected to be qualified as a Barrister. He looked at me and smiled, and said: "My dear boy, first work hard and get through your examination, and then come and see me."

Jinnah was in those days my *beau ideal*, both in politics and in law. Who could have dreamt that one day Jinnah would change from a great nationalist to a rank communalist, and that he who was the most eloquent advocate of India's unity would become responsible for the break-up and partition of the country? At one time, no one was closer to or more intimate with Jinnah than I—if one could ever be close to or intimate with a man of Jinnah's disposition. I left him when he started propounding the two-nation theory. The break was complete and final, and I never saw him again, and had no contact with him whatsoever.

CHAPTER THREE

Oxford

IN England, Oxford always stood for the ultimate in education. The University is neither modern nor up-to-date. The College rooms in my time were, and perhaps even today are, dark and dingy with no modern conveniences but there is a sense of history pervading the whole town. My college was founded in 1400, and you had a feeling of the centuries looking down upon you. Even in studies Oxford was conservative, and was slow to adopt new ideas and a new outlook. The text books prescribed were still those which had been accepted by the scholastic world for some considerable time, and the majority of Oxford dons looked away with disdain and sometimes with disgust from modern trends and current ideology.

There is an air of superiority about Oxford men which non-Oxford men resent, but this superiority must be effortless if it is to be truly in the Oxford style. The examinations are fairly strict and searching, but there are four classes in which a student may be placed, and almost every student gets one or the other class. It is considered an insult, more to the University than to the intelligence of the undergraduate, if he does not get through the examination. In addition to these four classes, there is a degree which is given as *aegrotat*, which means that the student has been given this degree as he was not well enough to appear for the ordinary examination. But nobody seriously thinks about examinations; nor is an Oxford man judged by the examination

he passes or the class he obtains. Nor is it anyone's concern except that of the undergraduate himself as to what he does during the three years he is up at Oxford.

Most Oxford men have a habit of thinking that the mere fact that they were up at Oxford for three years is sufficient to stamp them as having imbibed the culture which makes them stand out as different from and superior to those less fortunate persons who did not have the same advantage as themselves.

The regimentation is at an end as soon as the student leaves school, and the Oxford authorities accept him as a grown up person, as an adult who knows what is good for him. He has to be guided and shown the right road, but the ultimate decision as to what he should do must be left to himself. Therefore, when the term starts, your tutor tells you what lectures will be useful to you. The lectures to be delivered during the term are printed, and the tutor discusses them with you in the light of what you are going to study. Then he would advise you which lectures you should attend. But whether you went to the lectures or not was again your own choice.

For instance, I took Modern History at Oxford and every term my tutor used to mark out the lectures which he thought would ultimately help me in my examination. But I found that attending lectures was not helpful to me; my mind would stray and think of things other than those with which the lecturer was dealing, and I found it more profitable to read a book than to attend a lecture. I was passionately fond of literature, and particularly of poetry, and instead of attending lectures on history I used to attend lectures on English literature. I remember we had a series of lectures on English poetry which were delivered by one of the finest poets writing at that time in England, and I used regularly to attend these lectures. If I found that some well-known person noted for his style and delivery was speaking, I would go to that lecture irrespective of whether it had any bearing on my own subject, or whether it would ultimately be of any help to me.

The central feature of Oxford life as far as studies were concerned was the writing of an essay once every week. Your tutor

would give you a subject, and you had to write an essay on that subject at the end of the week. He would tell you about some of the books you might look into. But then you were always asked to go to the library, and browse among the books and read as much as you could about the subject and around the subject. And having digested as much as you could, you poured it out in the form of an essay to be presented to your tutor. Your tutor read it, and then discussed with you its form and style, the mistakes in the statement of facts, the misjudgments which could be easily corrected with a little more careful study or thought, and so on.

To the end of my term, practically the only serious study I did was the preparation for and the writing of the essay. I was careful and conscientious and worked hard at it. Apart from that, I did very little work in the subjects in which I had to take an examination after three years. I spent the rest of my time in other activities in which I was really interested, and the charm of Oxford was that you had student societies of your choice which you could join. Here they dealt with the subject in which you were interested, or in which you wanted to acquire greater knowledge, and where you would come to know undergraduates who shared the same interest as yourself. My main interest was history which was my own subject, and more than history, politics. History to me was the handmaiden to the play of forces which determined the public life of a country at a particular time. Another thing I was interested in was the art of public speaking. I loved to hear good speakers, and I also loved to practise speaking as much as possible.

I, of course, joined the Oxford Union which is perhaps one of the finest debating societies in the world. This debating society has been the training ground of several Prime Ministers of England, apart from other distinguished men in different walks of life. The Society would meet every Thursday night at half past nine. A printed resolution would be circulated, and four or five speakers put down on paper as speaking for or against the resolution. And usually along with the undergraduates, one or two distinguished men from public life in England were invited to join in the debate. Even the Prime Minister of the country

would deem it an honour to be invited to speak at the Oxford Union.

After the speakers who were on paper, as it is called, had all spoken, the debate would be thrown open to other undergraduates, and the house would adjourn at midnight after the resolution had been voted upon. I regularly and religiously attended the meetings of the union. I attempted to speak very early in my career at the University, but whether you got an opportunity or not would depend upon whether you caught the eye of the President. One had to wait sometimes till 11.30 or 11.45 p.m. before one's turn came, because earlier the President usually called upon those who had already established themselves as good speakers.

I remember I used to get up and hope that my turn would some day come. And ultimately one day at about 10 minutes to midnight and with a throbbing heart and a racing pulse I went up to what is known in the House of Commons as the 'Despatch Boxes' and which have their replicas at the Union, and had my say to a tired, inattentive and uninterested house, with not many members left to listen. But a day came more glorious than this when I was invited by the President to speak on paper on some subject. There was an elaborate ceremony associated with speaking on paper. One had to go in formal dress which was a tail-coat and white tie. And when the summons came to me I did not possess a tail-coat and white tie. There was no time to get one made, and I was in a state of utter consternation as I did not know what I should do, since I must either acquire a tail-coat or forego the privilege of speaking on paper, and decline the invitation extended to me by the President.

Fortunately, a fellow undergraduate came to my rescue, and lent me his tails. Of course they did not fit me. I looked a terrible sight in them, but at least I possessed the requisite dress entitling me to participate in the high ceremonial of speaking on paper at the Oxford Union. I must confess I do not remember what the subject was, but I do remember that I could not eat any dinner that night before the meeting. My landlady was worried that something was seriously wrong with me, but I merely told her

that I did not feel like eating anything. It was only when I had finished my speech that I realised that I was terribly hungry. And when I came back to my rooms that night I had to wake up my landlady and ask her for something to eat. She told me that she felt that I was not eating properly at all and she was glad that whatever the indisposition, it had passed away, and I had got back my natural normal appetite.

I remember a debate which concerned India, when a red-faced ex-colonel who had served with the British army in India, made a speech, attacking our country and our people. He continuously referred to Indians as "natives". I sent up a note to the President who, as far as I remember, was Thomas Earpe, who was also a well-known poet. He had a number of Indian friends, and was very sympathetic to the Indian cause. I asked him to call upon me, so that I could reply to the insolent speech which had just been delivered. He looked at me and nodded, and in due course called upon me to speak. What I remember about my speech is that I spoke about England and the sterling qualities, the kindness and generosity of "the natives" of England. The house saw the point, cheered me, and the red-faced colonel grew redder and redder in his face.

We had a magazine called *Isis* which came out every week, and which had a column devoted to Union debates. One evening a friend of mine and I were walking up and down the quad of my College waiting for the *Isis*. We had both spoken in the previous debate, and we were anxious to know what the *Isis* had to say about our speeches. The *Isis* came, and the comment on my friend's speech was that it was like the peace of God which passeth all understanding, and the house hoped that like His mercy it would not endure for ever. My friend was furious, and I had to calm him down, tell him that it was a jocular remark to be taken lightly, and I reassured him that he had indeed made a very good speech.

There were elections to the Union every year. The office-bearers, the President, the Junior Librarian, the Treasurer and the Secretary were all elected, and there were two Committees- the Library Committee and the Executive Committee—which were

also filled up by elections. I stood for the Library Committee in my second last term, and I was elected. This election entitled one to sit on special benches which are fixed on either side of the President's chair, and this right you can enjoy even after you have left Oxford. And if you choose to attend one of the debates you can do so sitting on the special seat.

When I went to England later in 1938 I went to Oxford and enquired at the Union Office whether I could attend the debate on that day, which happened to be a Thursday. Memories at Oxford are very long, and the person in the office to whom I was talking looked up at me and said: "Sir, you were a member of the Library Committee—not only are you entitled to attend, but you are entitled to sit in the special seat!" The same was the case with the porter of my college and the "scout"—as my own personal servant was called, who had served me 16 years ago. They remembered me although hundreds of undergraduates had doubtless lived in that college after my time, boys on whom they must have waited, as they did on me.

I must here relate an incident concerning Maulana Mahomed Ali. The Maulana had been an undergraduate at my college many, many years earlier. He visited Oxford when I was an undergraduate, and he first went to the porters' lodge. The porter was an old man and had been with the college since the days when Mahomed Ali was an undergraduate. A lot of change had taken place in the physical appearance of the Maulana. He had been a thin young man as an undergraduate. He had now filled out, and had an imposing and rather overpowering physique. Still the porter remembered him. The Maulana did not believe him when he said that he remembered him as an undergraduate; so he asked him to tell him his name, and the porter promptly told him the name which established beyond doubt the fact that the porter did possess a wonderful memory.

Apart from the Oxford Union, I also joined other political clubs. I became a member of the Oxford Liberal Club, and also of the Oxford Labour Club. We had, besides, started another society called the Lotus Club, for undergraduates from different colleges who were interested in different aspects

of politics and also in contemporary literature. The usual procedure was for members to meet after dinner in the room of one of the undergraduates where a member would read a paper, and after a break for coffee there would be a discussion on the paper which generally lasted till midnight. Sometimes no paper would be read. Instead, some distinguished person from the world outside would come and address the members.

There is one incident during my Oxford days which stands out very vividly in my memory. Srinivasa Sastri, President of the Servants of India Society, a very distinguished Indian and a great orator, was in England, and I wanted to arrange a meeting for him at Oxford. I succeeded in getting the Oxford Union Hall for the purpose. I thought it would be in the fitness of things if the Master of Balliol, a man of the highest status at the University, presided at the meeting. Sastri was known for his great moderation in politics, and the young Indians at Oxford were most of them budding revolutionaries.

When I went to invite the Master he was a little worried, and he asked me whether there was a possibility of any disturbances at the meeting. I assured him that whatever his politics might be, Sastri was respected in India, and as he was a masterly speaker the audience would listen to him with the closest attention. The Master was not satisfied and asked me to come and discuss the matter with him. I did not know that it was his usual practice, whenever a problem disturbed him, to go out for a walk with someone and talk things over. Unsuspectingly and not realising what lay in front of me, I went in the afternoon and we set out for what proved to be a memorable walk.

The Master had very long strides, and he took me out for the longest and the most tiring walk I had ever had in my life. It was a job to keep pace with him and carry on a conversation. And when I returned I was completely worn out, but I had at least succeeded in my mission. The Master agreed to preside over the meeting. To my regret I cannot remember what was the exact subject on which Sastri spoke but it had something to do with contemporary Indian politics. The meeting, however, was a great success, and Sastri made a brilliant speech. Many English under-

graduates afterwards commended Sastri's speech and style which, they said, reminded them of that of Asquith (at one time Prime Minister of England). And one went even so far as to say that if Sastri spoke behind a screen, and one did not see the colour of his skin, one would imagine that it was Asquith himself who was speaking. This was indeed a great compliment.

Finally, we had the Oxford Indian Majlis. Legend has it that nine undergraduates calling themselves nine pearls established a society in Oxford called the Nav Ratan Society. One of these "ratans" was Maulana Mahomed Ali, and this society ultimately became the Oxford Indian Majlis. Almost every Indian student studying at Oxford joined the Majlis. At that time the Majlis was an extremist body, as there was no restriction or restraint on freedom of speech. One heard the most blood-curdling speeches at the meetings of the society. The speeches were anti-Government, often highly seditious, calling always for the abdication of the empire in India, and for the establishment of the freedom and independence for our country. I used to speak often at the Majlis, but I was considered a moderate, because I could not indulge in the hyperbole which was in fashion then. I spoke more as a politician, who believed in politics being the art of the possible. I never soared into the empyrean, or dreamt dreams which at least at that time could not be translated into reality. I had, therefore, to wait a long time before the Majlis elected me as its President. I think although the majority of the members did not agree with my point of view, they were always convinced that whatever views I held, were held sincerely

At the Majlis we started the proceedings with *Vande Mataram*. At that time, of course, there was no national anthem as such. To me *Vande Mataram* is one of the most moving songs about one's dedication to one's country. In a sense, it is a sad song, and when well sung it deeply stirred me. Of course, there could be no recognised national anthem, because a national anthem represents a free, independent and victorious country, whereas *Vande Mataram* as yet spoke for a country which was still aspiring to be free. At the end of the meetings of the Majlis we used to sing Iqbal's *Sara Jehanse Achchha, Hindustan Hamara*. This was written by Iqbal in his nationalist days, and when he changed his

politics and became an extreme communalist he altered the first line to suit his newly found faith in Pakistan.

At the same time as I joined Oxford, I was also enrolled at the Inner Temple with a view to being ultimately called to the Bar And every term I had to go to London to eat three dinners at the Temple, which constituted keeping term. Normally one had to eat six dinners, but exemption was given to those who were undergraduates at Oxford or Cambridge. Whenever I went to London I stayed at the National Liberal Club which was very central, had a wonderful library and satisfied all the needs of a serious and rather solemn young man, who did not believe in wasting his time in the frivolities of youth.

At the Club I met Mr. S. G. Velinker, the leading criminal lawyer of Bombay; and he told me that his son Vasant was going to join Oxford, and as I was now a senior I should look after him. I said that I would do so with the greatest pleasure. He then went on to add: "Please see that Vasant does not join that seditious body—the Oxford Indian Majlis." At that I lost my temper. I told him that if Vasant did not join the Majlis I would have nothing whatever to do with him. I left in a towering rage, and did not see Velinker till I had gone back to Bombay and joined the Bar. For sometime we looked at each other, and pretended as if we had never come into contact with each other. But after some time we became great friends, and Velinker played an important and decisive part in my life, as I shall relate later.

Vasant, I used to see in Oxford but never talked to him, and had nothing to do with him. He did not join the Majlis, and to me that meant a grave dereliction of duty and lack of loyalty. But Vasant saw the error of his ways subsequently, and it is very ironical that he was proposed as a member of the Majlis when I was the President. He got up when the proposal was made, I looked at him and smiled, and he was duly accepted as a member I had become President towards the end of my stay at Oxford and so had no opportunity of making Vasant's acquaintance. It was only later when I returned to Bombay, and because of my friendship with his father, which had by then been well established, that I

came closer to him and subsequently became a great friend of his. That friendship has lasted till this day, and I look upon him as more than a brother. We have been together through many vicissitudes, we have shared many joys and delights at the Bar, and I have not come across anyone whom I can describe as a greater gentleman than he. His friendship, his affection, his loyalty are things which I have cherished and will always cherish.

To go back to Oxford. Yet another society which I joined there was the Oxford Asiatic Society. Among its members was Anthony Eden, who later became the Prime Minister of England. I came to know him very well. He was studying Oriental languages, and even then he had the reputation of being one of the best dressed undergraduates at the University. I could never have said of him then that he would ultimately become the Prime Minister of England. He was very pleasant, very affable, and I always thought that he would make an excellent diplomat, and perhaps that was his intention in studying Oriental languages and making a close study of Asian affairs by joining the Asiatic Society.

Another interesting member of the Society was Lord Scone. Although he claimed as an ancestor a Lord Chancellor of England, Lord Mansfield, he was very simple and modest and somewhat naive. He once told me that he was surprised at the command we Indians have over English, which was a foreign language. He added that perhaps it was due to the careful and painstaking way in which we studied English grammar, whereas his own grammar had been badly neglected and therefore could not claim the mastery over the language which many Indians had. I told him that our knowledge of and even close intimacy with his language was a result of British rule, and that was not a matter to be proud of. If we had remained free and independent, we might never have learnt the English language so well. But politically we could have held our head high and not felt that we belonged to a subject race, over which a foreign power exercised colonial rule. I renewed his acquaintance when I was High Commissioner to the U.K. in London. Although he belonged to an aristocratic family and as such was looked up to in Scotland as a scion of a noble family, he was always humble and never behaved as one who considered himself as belonging to a superior breed.

I had written a paper for the Asiatic Society on the Non-Cooperation Movement in which I had drawn a pen picture of Gandhiji. Later I extracted this from the paper, and sent it as a contribution to the *Nation*, which was a famous weekly edited in those days by a great journalist by name Massingham. To my great joy and surprise, the *Nation* published my article, and Massingham wrote a nice letter to me, and sent me a cheque for 4 guineas. This was my first venture into journalism, and the first time I had earned something by the sweat of my brow. For many days I kept this cheque, and had not the heart to cash it. But in Oxford one is always short of money and ultimately the cheque had to be sent to the Bank and exchanged for filthy lucre, which was more useful to me than the sentimental attachment to a piece of paper.

I have read the *Nation* and its subsequent manifestation, the *New Statesman*, for over 50 years. I think it is one of the best political weeklies published anywhere. In its columns I have read the work of some of the best writers in the country, and I have derived great pleasure in perusing both its political articles and its literary criticism and reviews. It has been served by some famous editors. I did not know Massingham personally, but Kingsley Martin I knew fairly well.

I made many friends at Oxford, and most of them were of the kind that were interested in politics or literature. In my own college I had P. N. Sapru, the son of Dr. Tej Bahadur Sapru; T. C. Goswamy, who subsequently became the Treasurer of the Swarajya Party under Pandit Motilal Nehru. He also became famous as an able and polished speaker in the Imperial Council, and was once publicly complimented for his eloquence by Sir Fredrick Whyte, who was then President of the Council. We had also with us at the same time many others—Mujeeb, for instance, who is now the Vice-Chancellor of the Jamia Milia at Delhi; and his brother who was Professor of History at Aligarh; Harischander who was nominated to the I.C.S. and who ultimately retired as a judge of the High Court; Seth, another nominated I.C.S., who was a great friend of Harischander and who was posted in the then Central Provinces and who, I think, retired as a Chief Secretary; Gortu, who also came from Uttar Pradesh and retired

as a judge of the Allahabad High Court; R. K. Nehru, who was in the college next door to me—Exeter—and who became Secretary-General, External Affairs Ministry, under Jawaharlal Nehru; and, finally, Tarachand, who was Professor of History at Allahabad University, and who was then writing a thesis at Oxford on the influence of Persian on Indian culture.

I must make a special mention of Sapru. He and I became very great friends and were regarded as inseparables. He was known as Raja, and it was said that if Raja was not in his room he must be in my room, and *vice versa*. He was a man of great intelligence, and was well versed in the principles of politics and political science. He had integrity, and never hesitated to speak out his mind. He never cared for popularity. With all the great qualities of his head, he had a loving and simple nature.

Sapru was one of the most forgetful of persons I have ever come across and the stories about his forgetfulness are legion. He had a habit of entering a room without knocking, and if I were reading in my room, and the door opened without a knock I knew it was Raja who was coming in. One of his great difficulties was how to form a knot in his black tie which he had to wear with his dinner jacket. He was thinking of buying a ready-made tie, but I told him that it was not done, and that as a gentleman and as an Oxford man and as the son of so distinguished a father, he ought to maintain the correct tradition with regard to dress. Although he was not a snob, he was a great believer in tradition and in the sanctity of conventions, and therefore it was not unusual for Sapru to come to my room with his black tie in his pocket, and ask me to help him to tie it. This was no easy matter, and I often regretted that I had prevented him from purchasing a ready-made tie.

When I returned to India, he invited me to come and stay with him in Allahabad. His father was with him, and I spent a most wonderful fortnight with the father and son. Sir Tej Bahadur asked me about my prospects at the Bombay Bar, and I told him they seemed to be very dim. He then asked me to join his chambers in Allahabad. He said that Suleman who was with him was soon expected to go to the Bench. If Suleman did go to the Bench, Sir Tej would be able to help me to get at least some of the

work that Suleman was getting. The prospect that Sir Tej Bahadur held out was most tempting, considering that I was facing starvation in Bombay, and I did not know whether I would ever be able to make good. I seriously thought of going to Allahabad but my attachment to Bombay, for the High Court and, at that time, to Jinnah was so great that I was prepared to risk my future rather than leave the city of my birth.

I remember that from Allahabad Sapru took me to Delhi, and I have vivid memories of going to the Kutub Minar with him to see it, and his recounting to me the history of the Minar, and quoting many Urdu verses which fascinated me. Sir Tej Bahadur was a great scholar of Urdu, and he told me that every Sunday he used to devote at least an hour or two to the reading of the great poet Ghalib. I did not know then that in later life Sir Tej Bahadur and I were to meet again in wholly different circumstances. I could not keep up my contacts with Raja as closely as I should have liked to, because we were separated by many miles; but there were occasions when we would meet and be together again. As I shall relate later, we were thrown together in the United Nations in 1946, and then we were fellow members of the Rajya Sabha for some years. Sapru died in 1969 and I lost a good friend, a man for whose integrity and intellectual equipment I had great respect, and whose opinion on politics and public matters I valued and very often sought.

K. P. S. Menon was already up when I joined Oxford. He had had a brilliant academic career, getting a first in history and standing first in the Civil Service examination. He was at Oxford for probation before being formally admitted into the Civil service. After joining the I.C.S. he had many important assignments and after independence was, as we know, our Ambassador to the Soviet Union. When I went to the United Nations as a member of the Indian delegation in 1946 he came as secretary to the delegation. At Oxford I came into close contact with him, and I found him a very simple and lovable person. I have not come across anyone with such distinction as he who was less ostentatious in his ways, or who carried his great learning so lightly or with such modesty.

Dr. Bal, who was Professor of Chemistry in Lucknow, was another notable personality who was at Oxford. He was working for his doctorate and he and I shared rooms for two years. He was engaged on some problem connected with earthworms, and we used to joke about his work, saying that when serious problems concerning humanity required solution it was surprising that he should waste his time and talent on so insignificant a creature as an earthworm. With always a quiet smile on his lips he would go on doing his work despite the banter at his expense. He was a most pleasant companion who took an interest in subjects other than earthworms as well. As it happened, the majority of my friends were from Uttar Pradesh, and we constituted what might almost be called an Uttar Pradesh group with the exception of myself, Goswamy, K. P. S. Menon and a person called Stephens, who later on adopted the name of Raju, and who ultimately joined the Income-tax Department. We kept together, we moved together, and were all in all very close together.

I should like to mention an extremely interesting person, one highly devoted to music, whom I met at Oxford, and with whom I contracted a very close friendship. This was Dilip Kumar Roy. I remember during the vacations we spent hours together, and he would sing and play the harmonium which, fortunately, was available at the place where we were staying. He had a beautiful voice, and I used to listen to him wholly enraptured. After he returned to India he joined the Pondicherry Ashram, and later he lived in a small temple in Poona where I went to visit him, when I was Minister for Education. And there again I heard his beautiful voice singing devotional songs. Dr. Radhakrishnan knew him and once he invited a small party at Rashtrapati Bhavan when he was President, to hear him sing. Dilip Kumar Roy asked the President to invite me also, and once again I had the pleasure of listening to his music. He is one of the gentlest men I have ever known, who later gave up the world and worldly affairs in search of salvation. Whether one believes in his philosophy or not, one cannot but admire his single-minded devotion and dedication.

I must not omit to mention Nawab Liaquat Ali, who was also a contemporary of mine. He was a quiet, self-contained man who largely kept to himself and did not participate in any of the

intellectual activities of the University. He did not show any signs at the time of the pre-eminence which was in store for him as the first Prime Minister of Pakistan. He studied jurisprudence at Oxford and there was a standing joke that if you went to his rooms you would not find any other book besides Anson's *Law of Contract*. He did not appear to be communal or fanatical and Jinnah's choice fell on him for the Prime Ministership only because he blindly associated himself with his policies and gave him unquestioned and uncritical loyalty.

It is one of the unfortunate things about a University like Oxford that after you have graduated and left the University, your friends get scattered all over the country and you hardly meet them ever after. That was my fate also. Many who were so close to me at Oxford, I never met or hardly ever met, but the memory of those happy care-free days still lingers, and gives some significance to one's stay at that University.

Apart from meetings of Indians studying at Oxford, one also had an Annual Indian Conference to which were invited students studying in other parts of England. I was Secretary of this Conference one year when the Conference was held at a place called Swanick in Derbyshire. The Conference used to last about a week, and we would arrange a programme of debates, theatricals, musical evenings, and so on. We thoroughly enjoyed our week's stay in the company of a large number of our fellow countrymen with many of whom we had close contacts.

The occasion also gave us an opportunity to make fresh contacts. I remember as Secretary I had a lot of organisational work to do. I had to deal with applications for membership of the conference. I had to assign rooms to those who were coming, and there were a hundred and one details to be arranged from Oxford. But, on the whole, we found that when we went to Swanick things worked out smoothly and there were few complaints or grievances.

Some of us would also visit Cambridge, and the undergraduates of Cambridge would come to Oxford. I remember going to Cambridge for an Inter-Majlis debate, where I represented Oxford. The great Subhas Chandra Bose was at Cambridge, and

he often used to come to Oxford to meet a very great friend of his, Sen, who afterwards became Election Commissioner, and then the Secretary-General of the United Nations Food and Agricultural Organisation. I used to meet Subhas Bose in Sen's rooms, where Velinker, who came from Bombay and who later became Professor of English at Elphinstone College, would also be present.

It was interesting to talk to Subhas who was full of idealism and a passionate desire to see his country attain freedom. He had passed his I.C.S. and he had been to see Jinnah who was in London, and ask his advice. He said he wanted to resign from the I.C.S. and work for his country. Jinnah advised him to the contrary. Jinnah said people like Subhas were required in the I.C.S. If they left the service, the future of the country would be dark, since we would not have patriotic men serving the country. Subhas had a great regard for Jinnah, and he was for a time influenced by Jinnah's opinion. But as is well-known, rather than be an ornament to adorn the Indian Civil Service, Subhas devoted his energies to the service of his country, and became one of the most distinguished and celebrated sons of India whose patriotism and sacrifice for the country will never be forgotten.

Purushottam Tricumdas, who was also then at Cambridge, became one of my closest friends. I had known him in Bombay, and had met him at students' organisations. He was well-known in Bombay as a forthright man, with strong views which he expressed in equally strong language. We practised together at the Bar in Bombay, and after I had gone to the Bench, and later still after I became Minister I continued to meet him from time to time, and exchanged views on various matters in which both he and I were deeply interested. We again came into very close contact after I resigned from the Cabinet and resumed my practice in the Supreme Court. When he died there was a big void in my life. In Delhi, he was amongst the few friends whom I constantly met.

One of the functions of the President of the Majlis was to arrange the day's programme and one tried to invite as many distinguished people from London or elsewhere as one could.

The success of the President depended upon how interesting the proceedings of the meeting were. When the President invited a distinguished guest to come and speak at the Majlis, it was customary to invite him to dinner before the meeting along with the members of the committee, and then the President would go with the distinguished guest to the Hall where the meeting of the Majlis was to be held.

I remember how once after I was elected President, I read in *The Times* that Bertrand Russell, the famous philosopher, was returning to London from China. I said to myself that I should try and get him to speak to the Majlis. After Russell had returned to London I went there to try to see him. I invited him to come to Oxford on any Sunday which was convenient to him. He hummed and hawed and pleaded that he had just returned from China, and was very tired, and it would not be possible for him to come and speak at night at the Majlis. The rules required that the meeting should always be held at 9.30 p.m. But I told him that I was prepared to take the responsibility of violating the rules so that he could speak at the Majlis in the afternoon. I said that I was sure that the members of the Majlis would love to hear him, and would forgive me any violation of the rules. When Russell found that I was very keen on his addressing the Majlis, and that I was even prepared to risk the censure of the Society for his sake, he agreed. I remember that on that occasion we met in the afternoon as arranged, and had a most enjoyable time. Russell spoke brilliantly on the subject of Sea Empires and Land Empires. He ranged far and wide, and gave a wonderful picture of the world as a whole.

Another distinguished visitor we had was Sarojini Naidu. I asked her to come, and she willingly agreed. I wrote and asked her on what subject she would like to speak, but she said there was no hurry, she would let me know later. When I met her at the station and asked her whether she had decided on the subject, she said she would let me know later in the evening. Then, as was the custom, I invited her to dinner; and at dinner I told her "Mrs. Naidu, I have to introduce you, and tell the audience what you are speaking on. Won't you let me know what your subject is?" Mrs. Naidu patted me on the arm and said: "Enjoy

your dinner and don't think about the subject. I will speak on any subject you like."

Finally, we went to the Majlis and I remember I introduced her to the house although she needed no introduction. I told the house that till that moment she did not know what subject she was going to speak on. She had left it to me to choose the subject. And so, I was now going to announce the subject and request her to speak on that subject. I am afraid I cannot remember what the subject was, but I do remember that for about 45 minutes she spoke eloquently and brilliantly, and this without any preparation whatsoever. I have listened to many speakers in my time, and I have always thought that for sheer poetry and felicity of expression there were few to equal Mrs. Naidu.

I spent my first two and a half years at Oxford in going to meetings, and talking idly to friends or discussing seriously every subject under the sun, working only on my weekly essay as a preparation for the examination which was then fast approaching. In my last term, about three months before the examination, I had a sinking feeling and a lurking fear that I might not pass the final examination as I had done very little work. I, therefore, decided to give up all other activities and devote myself entirely to the text books. I do not think I had ever worked so hard in all my life. I worked day and night without any break for those three months. I then stopped studying about two days before the examination and refused to look at any of the text-books. My friends thought I was mad, and that I should work till the very last moment; otherwise I would forget what I had read. I said that even in Bombay it was my practice, as far as examinations were concerned, to stop studying a day or two before the examination. I felt that this way you went to the examination hall with a refreshed, and not a tired, mind; and having tried and succeeded in that experiment in Bombay, I was going to follow the same system at Oxford.

I must confess that I was terribly nervous those two days. I felt that my mind was completely blank, and I would not be able to remember at the time of the examination anything I had studied. I was sorely tempted to look at one or the other of the books in

order to refresh my memory, but I resisted the impulse. The examination was a prolonged and gruelling experience. We had to answer 12 papers which covered every aspect of English history, and two papers on European history. I had taken the modern period from the French Revolution till the present time. One special subject, as I have already stated, was the Practice and Procedure in the House of Commons. In the system followed at Oxford they give you about 15 or 20 questions in a paper to select from. The reading of these questions itself takes some time, but you are expected to answer about four questions, and your tutor tells you that out of these four questions you must devote the most time to one question. And your performance is judged on that one question. The other three you may deal with in a sketchy manner, but well enough to indicate that you know the full answer and that time is lacking.

There were three or four questions marked with an asterisk. One of these had to be answered compulsorily, and with each one of these a map had also to be drawn. Now, drawing and maps were something which I could never manage. I tried hard, but drawing and I were things apart. Even at school, I remember an occasion when I had come first in the class. I stood up to hear my results, and I was told that I had not only passed, but stood first. I wanted to sit down with silent thanks to the deity that presides over examinations and over the destiny of students who take them. But I was asked to stand up again, and this time I was told that although I had secured a first, I had failed in drawing, and had to be given grace marks to pass the examination. I was warned that I should be more careful with my drawing in the future. But no effort of mine ever resulted in my acquiring any more skill in the art of drawing. Therefore, when I knew that at the Oxford examination I had to draw one map compulsorily, I almost lost my sleep. And what dreams I had, turned into a nightmare. I did not know how I would get through this ordeal.

In the European history paper, after looking at the four or five questions marked with asterisks, I selected the question dealing with the unification of Italy. I thought that the map of Italy would be fairly easy to draw, and I drew it for what it was worth.

After the examination there is a *viva voce*, where all the dons sit in a row. You sit opposite, and they put all kinds of questions to you. It is a most awe-inspiring spectacle, but there is one thing about this *viva*, which robs it of some of its importance. If your securing a class is certain on the strength of the written work, they never try to pull you down. Then the *viva* becomes a mere formality. They ask one or two unimportant questions, and dismiss you. But if you are on the verge of a higher class, then they give you a very strict *viva* and try to pull you up into the higher class, if possible. As it happened, I got a very good second; with a little more luck, or perhaps with a little more industry, I might even have got a first. After I had finished my written papers, I went to my tutor, and asked him whether I should do any extra work for my *viva*. But my tutor said that it was useless to try to prepare for the *viva* because you never knew what questions would be asked. You must trust to luck.

I faced the dons with a throbbing heart, uncertain as to what questions I would be asked, and how I would fare. The *viva* lasted 45 endless minutes, which clearly showed that I was being tried for a higher class. But the Chairman of the Board of Examiners was a don from Christ Church, who attached particular importance to Political Science. While I made the mistake of not devoting enough time to this subject in the belief that as I was sufficiently interested in politics and had read a lot about it, though perhaps in random fashion, I would utilise my time for other subjects which were new to me, it proved to be a serious blunder. One of the reasons why I was not up-graded into the first class but got a second, was that the Chairman of the Board was not satisfied with either my written paper or my answers in the *viva*, and he felt that I was not entitled to a first, because my knowledge of political science was not adequate enough.

But the incident I remember most about this *viva* relates to the map I drew. When I sat down, the professor who had examined me in the paper on European history in which I had drawn the map of Italy, opened up this paper and placed it before me, and asked me: "Mr. Chagla, is this a map of Italy?" I looked at it, and at once saw what a terrible hash I had made of that

great country—the cradle of many civilisations. I murmured "Yes, Sir." Now this was in 1922, and three or four months before the examination, a terrible earthquake had occurred in Italy, and the professor asked me: "Mr. Chagla, is this Italy before, or after, the earthquake?" I wished the ground would open under my feet and swallow me up. All the dons were smiling, and even the two or three students who sat in the chairs behind me waiting for their turn could not help giggling. I never felt more embarrassed in my life than I was on that occasion.

I remember after the examination I went to Germany with Velinker and Sen for a holiday. That was the time when the German mark had crashed and we got an astronomical number of marks for every pound sterling. Although we had very little money as students, I remember we lived in the finest hotel in Berlin, the "Kaiser Hoff", for only a few shillings in English currency. I also remember our going to the Bank every day to exchange our sterling and on the blackboard in the Bank they used to put down the equivalent of marks to the pound. Every day this figure used to change, not by a small but by a very large margin, so that if you exchanged your sterling, one day you might get, say 20 to 30,000 marks, but if you waited till the morrow you might get 10,000 more or 10,000 less. We had to have an attache-case to carry the marks that were given in exchange. I remember how furious the Germans felt at the way foreigners were having a good time, when they themselves suffered hardship because of the collapse of the German mark.

I said good-bye to Oxford with sadness in my heart. I had made many friends there, new vistas of knowledge had opened up before me, and I had acquired the necessary confidence that whatever difficulties I might have to face in India, I could face with a stout heart. However fond I had grown of Oxford, I would not have stayed there a day longer than was necessary. I was terribly home-sick; and I wanted to plunge into the real struggles of life and not to indulge any longer in the dilettantism which Oxford encourages. I knew that this was the last chapter of my youth, and that from then on I would have to grapple with problems which could bring hardship, worry and anxiety. The care-

free days were going to be over, and I would have to face life, not as I would like it to be, but as it actually was.

On my last night, I stood on Magdalene bridge and saw Oxford under moonlight in all its beauty. The dreaming spires were there, and the wisdom of the ancient world beckoned to me to tarry and learn more of it before entering the matter-of-fact world of every day life. But I have always loved to be in the heat and dust of battle, rather than lead a life of academic repose and retirement. And so I drank in the beauty of Oxford for the last time, and said good-bye to the University to which I owed so much.

CHAPTER FOUR

The Bar

I VIVIDLY remember the first day I entered the High Court Bar Library and Common Room. It was with palpitating heart and nerves on edge that I looked around me to survey the situation. At that time the Bombay Bar had the reputation of being one of the strongest in India—I shall presently mention who were practising at that time, and what the young junior was up against when he entered the field. I wondered which solicitor would be so foolish as to put a brief in my hands when he had such a wide choice of able, experienced and senior lawyers. I discovered that I was not far wrong because it took the solicitors a fairly long time before they could feel confident that I could be trusted to argue a case in court.

Among the men practising at the time was the great Inverarity, one of the most eminent of lawyers that ever practised in the Bombay High Court, or for that matter, in any High Court in India. However, he was at that time in his decline, and on the eve of retirement. But even then one could see glimpses of his greatness as a lawyer and an advocate. He was nothing much to look at; he had no personality, was not an impressive speaker and had no histrionic arts at his command; but he knew all the tricks of the trade, and not only was he a great and astute lawyer but also a very great and forceful advocate. He had a colossal memory. I remember him sitting in court, drafting pleadings while waiting for his case to be called on. He would read a brief, tie it up with

a red tape, put it aside, take up a foolscap paper, and start writing without looking at the brief even once. He remembered not only all the facts, but also dates and names.

I remember Bhulabhai Desai telling me that when he was a junior he was once sitting in the library and making copious notes in connection with some brief which he was studying. Inverarity, who was passing by, stopped and asked him what he was doing. Bhulabhai said he was making notes. Inverarity took up the papers, tore them up, and told Bhulabhai "Young man, learn to trust your memory." Bhulabhai took this advice to heart, and throughout his career as a lawyer he never made a single note, however long and complicated the case might be. I have seen him open a case full of facts and figures, only turning over the pages of his brief and finding the right place, all without a single note, or without a single marking in his brief. He had an almost photographic memory and once he had read something in a brief or in a book, he knew exactly where it was, and could find it whenever he wanted it.

Inverarity was once appearing in a case before Mr. Justice Pratt. He was sitting in the second row waiting for his case, and reading his brief, particularly the observations written by the Solicitor. He turned to find out which Solicitor was attending to the case, when a young man came up and said he might be the one Inverarity was looking for. Inverarity then spoke to him sharply. "Let me tell you," he said "you are a bloody fool, and you do not know how to write observations; they are worthless and of no help to me." The young man was by now quite miserable. "Sir, I am sorry," he said, and slunk away. Something then struck Inverarity, and he called him back, and asked: "You are the Solicitor instructing me, aren't you?" The man replied "No, Sir, I am the Managing Clerk." Inverarity immediately apologised and said: "I am terribly sorry; please tell your master, *he* is a bloody fool, and *he* doesn't know how to write observations." Inverarity grew hard of hearing towards the end of his career. He was particularly badly treated by Mr. Justice Marten, who would not submit to the idea of special treatment for Inverarity, and refused to speak loudly enough or to repeat himself. Inverarity had a very high sense of the traditions of the Bar and of his own self-respect, and after a particularly

bad case of ill-treatment by Marten he refused to appear in that court.

Inverarity was passionately fond of bridge and he stuck to his game with the same tenacity that he showed in arguing his cases. If he started with a particular suit he would go on calling that suit until he was inevitably doubled, and in the end forced to pay a huge penalty. I remember Sir Jamshed Kanga, who was then Advocate-General, giving a reception to the Civil Justice's Committee at the Bar Gymkhana, and he was very anxious that Inverarity should be present. Inverarity agreed, but said he would like to come in the morning and play bridge till the Committee arrived for the reception in the evening.

Kanga fixed up a game for Inverarity at 11 o'clock. I happened to be there, but I was not one of the four. One Mr. Gupte, living in far-off Bandra, was to have come to play with Inverarity, but he did not appear in time, and I was asked to take his place till he came. As bad luck would have it, I cut Inverarity as my partner and I had to face the full consequences of his obstinacy as a caller at bridge. With almost every deal Inverarity paid a big penalty, and I was praying for the quick arrival of Gupte. I think we lost quite a fortune in the one rubber that I played with Inverarity as partner. When evening came and the members of the Committee arrived, Kanga came to call Inverarity from the bridge table to come and meet the members. Inverarity in his very gruff voice said, or rather barked, at Kanga: "Don't disturb me, I am playing bridge. And if those johnnies want to see me, let them come here and I will meet them." Inverarity stuck to his table, and the members of the Civil Justice's Committee were brought one by one to meet him and talk to him.

Inverarity used to stay at the Byculla Club which was then meant exclusively for Europeans, and he would hold his conferences there. So exclusive was this Club that no Indian lawyer could enter it through the front gate but had to go in from the rear in order to get to Inverarity's room; and Kanga told me that whenever he had a conference with Inverarity, it was the rear-gate that he had to use. When I heard this, I was very angry, and I asked Kanga how he could put up with such blatant race discri-

mination. I said: "You are an eminent member of the Bar, and you have to go in like any servant or shop assistant through the back door to attend on the great Inverarity!"

Kanga, who had no political sense or strong beliefs about racial relations, smiled and said: "What does it matter? Inverarity is a great lawyer, and if he wants a conference I must go wherever he may be or in whatever surroundings he may like to hold the conference." Though he made a fortune at the Bar, and he had hardly anyone to leave it to, he was very close-fisted. Kanga and he travelled often to a District Court to appear in a case on opposite sides, and if Inverarity ordered soda water and shared the drink with Kanga, it was fifty-fifty when it came to payment. It was the same if Kanga ordered the drink—Inverarity would insist on paying his share. Daphtary, an ex-Attorney General, was in his chamber; and he got his chance by being often briefed with him to act as an intermediary between Inverarity (who was then very deaf) and the judge. This is not to disparage the legal qualities or acumen of Daphtary. I dare say he would have got on in any case, but I have known many instances of able people falling by the wayside because they were not in the right chamber, or did not get the right assistance or help at the right time.

Next to Inverarity was Strangman who also served as Advocate-General. Strangman was starving at the Bar and succeeded in making both ends meet by acting as a tutor (I think in English) and as such he came to the notice of E. E. Dinshaw who helped him get on at the Bar. I never liked him because I found him ostentatious and lacking in culture, with a strong notion of his own superiority both as a lawyer and as an Englishman. And I resented more the latter affectation than the former. He and Jinnah were always at daggers drawn, and it was fun to see them appearing against each other, when there would invariably be a scene in court with the poor judge trying to pacify these two great lions of the Bar. Jinnah and he were not on speaking terms, and Jinnah never went to his chambers for a conference.

I remember an incident when Strangman appeared before Marten to make an urgent application. This was towards the end of the day, and some part-heard case was going on. Strangman

stood behind the front row of chairs and asked the Judge's permission to mention the matter. He had his hands in his pockets, as was his usual custom, and was jingling the coins which were there. Marten, who was a stern disciplinarian, asked him to come forward and make his application. Strangman came over to the front. Marten asked him to take his hands out of his pocket, looked at the clock, saw that it was 5 o'clock, got up and left the court. I have never heard more abusive language than what flowed from the lips of Strangman. For myself I felt very happy that Marten had taught this thoroughly insufferable Englishman a lesson. But to be fair, however bad his personal manners, as a lawyer he was very good indeed. He was a forceful advocate, and a very skilful cross-examiner, and his knowledge of law was extremely sound.

Another veteran at the Bar was Sir Chimanlal Setalvad. At that time he was taking very little work, and being very old, he was told not to work too hard even at the few briefs which he accepted. But whenever he was properly briefed in a conference in which he was given all the facts and the law, his presentation of the case was admirable. He had a logical mind and an accurate knowledge of legal principles. He did not indulge in any flourishes, but his arguments were couched in such sober language that the judge instinctively felt that there could be no possible answer to the case as he presented it. Unlike his distinguished son, he was a man of the world and a very human personality, and I shall have much more to say about him later.

Then there was, of course, Jinnah who was at the height of his practice and reputation. He did not often take up long cases, but he was absolutely first-rate in what are called miscellaneous matters. He would sit with a pile of summonses and motions and deal with them with consummate ease and mastery. Jinnah was a poor lawyer, but a superb advocate. He had a very striking personality, and the presentation of a case as he handled it was a piece of art. He was also a first-rate cross-examiner. It is surprising that despite his large practice he never really had the hallmark of an authentic lawyer.

I remember an occasion in my early days as his junior when he argued that a certain English Act was *ultra vires*. With my recent

knowledge of constitutional law and constitutional history, I was shocked at the statement, and I tried to explain to him that Parliament being sovereign in England, no Act passed by Parliament could be *ultra vires*. He would not resile from the position he had taken up, and he ultimately closed the argument by saying: "Young man, you are very enthusiastic, but you have much to learn." And I did learn a great deal, but I certainly never came to accept that an Act of the British Parliament could be *ultra vires*.

When I came to the Bar, Jinnah already had a junior with him, and never took more than one junior. The man's name was Adhiya and later he became one of my dearest friends. He had what one might truly describe as a heart of gold. He married Sir Hari Singh Gour's daughter. He insisted that unless I went to Nagpur, where the registration was to take place, and be one of the witnesses, he would not get married. And so I had to go all the way from Bombay to Nagpur just for a day to witness the marriage. I had to wait till Adhiya left Jinnah's chamber, which he did within about a year to take up office in the High Court.

Before I left for England, as I have recounted earlier, Jinnah had promised me that he would allow me to read with him in his chambers. What attracted me to Jinnah was the force of his personality and more than that, his sterling nationalism and patriotism. If at that time anyone had told me that Jinnah would one day be responsible for the partition of our country I would have thought him mad. I joined his chamber and remained with him for about six years. I read his briefs, went with him to court, and listened to his arguments. What impressed me most was the lucidity of his thought and expression. There were no obscure spots or ambiguities about what Jinnah had to tell the court. He was straight and forthright, and always left a strong impression whether his case was intrinsically good or bad. I remember sometimes at a conference he would tell the solicitor that his case was hopeless, but when he went to court he fought like a tiger, and almost made me believe that he had changed his opinion. Whenever I talked to him afterwards about it, he would say that it was the duty of an advocate, however bad the case might be, to do his best for his client.

During the first eight years or so, I hardly had any practice at the Bar. I was in dire circumstances, but I do not remember in all those years Jinnah ever enquiring of me how I managed my finances or how I fared at the Bar. I have never come across any man who had less humanity in his character than Jinnah. He was cold and unemotional, and apart from law and politics he had no other interests. I do not think he ever read a serious book in all his life. His staple food was newspapers, briefs and law books. He did not even once raise his little finger to assist me at the Bar. But I owe a great deal to him because I learned in his chamber not only the art of advocacy, but how to maintain the highest traditions of the legal profession.

Jinnah was absolutely impeccable in his professional etiquette. It was one of his beliefs that a senior should never recommend a junior to a solicitor or ask him to give the junior a brief. Jinnah himself had struggled hard in his early days, and had risen from abject poverty. In the case of some people, such an experience would make them sympathetic towards others in a similar situation, but with Jinnah it was otherwise. I remember his telling me: "I know what you feel about me and about my not helping you, but a time will come when you will thank me, for you will be able to say that if you got on at the Bar, you did so on your own merit, and not by being sponsored by anyone, or because of the patronage of a senior."

I did not leave the chamber at the end of the day until Jinnah had finished his conferences and was going home. He would then take me along with him and drop me at the Bar Gymkhana, about which I will write a little later. I remember a characteristic incident that took place when Jinnah was briefed in the famous Bawla murder case. Kanga was for the State, Jinnah was for one of the accused, while Velinker was briefed along with Jinnah for the other accused. The case was tried in the High Court Sessions. I had worked hard on the brief and I had attended all the conferences. One evening the local advocate from Gwalior came to the chamber and asked Jinnah whom he would like as a junior. Jinnah looked at him and replied: "There are about 200 juniors at the Bar—can't you select one?" I was terribly distressed. I felt that even the strictest of traditions at the Bar could not

have prevented him from telling the advocate that there was this junior in his very chamber, and one who had worked on that specific brief and who could be of great assistance to him. But not a word came from Jinnah.

I was in terrible financial difficulties in those days. This brief would have meant a great deal to me, since the case was expected to go on for a long time, and the fees marked were very handsome. Looking back, I sometimes feel that starvation in my early years at the Bar did me a lot of good. There is no better spur to hard work and ultimate success at the Bar than initial starvation. When you are born with a silver or golden spoon in your mouth, and when money is in plentiful supply, there is not that intense desire to work and to get on. In my case it was a matter of life and death, and therefore I had to work very hard—a quality which, I think, I have retained till today because I have come to believe that hard work is the only real solace in life. To be able to work with devotion at something which one likes can be the greatest and the most enduring source of human happiness. Everything else is only superficial and temporary.

I must now mention the other leading members of the Bar who were practising when I joined. One of the most outstanding was Sir Jamshed Kanga, to whom I have already referred. He was loved and respected by everyone. With his tall frame, his black coat and his white priestly turban, he was a notable and distinguished figure. He was both a first class lawyer and a first class advocate. His memory for authorities was phenomenal. He would not only remember a case, but he would remember the volume in which it was cited, and even the page of the particular volume of the Law Reporter. He would argue flinging his long hands in all directions, and it was a stock joke that Kanga made small points with large gestures. But in cases that were more evenly balanced, Kanga with his perseverance, his knowledge of law, his understanding of human as well as of judicial nature, might almost always be expected to tilt the balance in favour of his client. But despite all the success he achieved and the obvious distinction he earned he remained one of the humblest of persons I have ever met. He was simplicity itself.

The next person I should like to mention is Coltman who also had a large practice. I did not like him at all. He had a squeaky voice and I do not think he deserved the success which he had in the profession. I remember that when Sir Leonard Stone was the Chief Justice and I sat with him in court, and Coltman appeared before us, Stone often asked me how he ever became the leader of the Bar. Stone disliked him intensely.

I should also refer to Taraporevala who had a very subtle mind. There was no one to equal him in his ability to construe an Act or unravel the intricacies of the law. He had a very bad temper, and when I went to the Bench, nothing amused me more than to see Taraporevala constantly quarrelling with the solicitor who was instructing him, and telling him that he did not understand at all the point in dispute.

I have already referred to Bhulabhai Desai; but I should now say something more about him. He was the most eloquent among the advocates I have seen in the Bombay High Court. His English was perfect, and it is difficult to imagine a more subtle mind than the one he possessed. We became great friends and towards the end of my life at the Bar we had chambers which were next to each other. I remember one day his asking me whether I would be prepared to take some risk by doing something for him. This was in the midst of the non-cooperation movement in which he was taking part. He said he wanted the use of my chambers to meet some Congress workers. But he warned me that I might get involved and the consequences might be serious. I told him that when he was doing so much for his country this was a very small favour that he had asked of me, and my chambers were at his disposal. He laughingly said, "Then keep your bags packed, you might be whisked away to jail any moment." But fortunately or unfortunately I did not have the privilege of going to jail for my country.

Among the second rank, the most eminent was Motilal Setalvad. He had a logical mind like that of his father, but his interest was solely confined to the Bar, and he was a very hardworking counsel. He had also to wait for a long time before he got any work. There was a time when he almost wanted to quit the profession,

and accept a job, when Sir Chimanlal asked Bhulabhai to take Motilal in his chamber and see what he could do for him. Once Motilal got going, there was nothing to stop him. He became the Attorney-General of India, and no one has contributed more to the elucidation of our constitutional law than he. But for his advocacy and his assistance in the interpretation of the Constitution, I do not think the Supreme Court could have delivered some of the great judgments that now stand to its credit. But I have never known a man who has less emotion than he, or at any rate shows less emotion than he does. He somehow took kindly to me. I came into very close contact with him in many spheres of life, about which I will have more to say later.

Next I must refer to Munshi. He always liked to paint on a large canvas. He was not much good in small matters, but if something big came his way he was at his best. He was a most versatile man. He was one of the greatest literary figures India has produced, and also an educationist of high calibre. I must confess that I never thought much of him as a politician. He was too volatile to be consistent, and he changed sides too often. We became great friends and quite frequently when we were in a case I would go to his house for a conference, have breakfast with him, and drive from his house to the High Court. I used to watch him eating his food, and it appeared that he hardly ate anything. I used to say that he must be living on manna from heaven because the food that he ate could not possibly give him any sustenance. He was in the Syndicate of the Bombay University. When he knew he was likely to be arrested he confided the news to me that the seat in the Syndicate would become vacant, and I should try and get it. This was extremely kind of him, and I never forgot the intimate friendship which we had contracted before I went to the Bench, after which we came less in contact with each other.

That Munshi acquired a great name for himself both as a lawyer and as a literary artist is nothing short of a feat. But as between the two, law and literature, I think his first and more abiding love was for the Muses. He gave to law and politics much of the time, energy and enthusiasm which the gods intended he should give to the service of literature. But therein, I think, lay

Munshi's great charm. He could have been a drab, dry, lawyer or a cold and calculating politician. He was neither the one nor the other. The artist in him was always peeping from behind the lawyer and the politician.

There was also Bhagwati, who became a judge of the Supreme Court, M. V. Desai, M. P. Amin, and Daphtary, all struggling to attain a higher position at the Bar in the face of a solid barrier of seniors who more or less monopolised all the work.

I had very little work at the Bar for the first seven or eight years. My first important case was one in which I was associated with Motital Setalvad. It was the so-called Trunk Murder case and it created quite a sensation in Bombay. A Gujarati merchant had invited another merchant, both dealing in pearls, to show him a pearl necklace. Having gone to his house the man stole the necklace, strangled his host, put him in a trunk, went about all over Bombay in a taxi and ultimately dropped the trunk in a well in Andheri, a suburb of Bombay. When he asked the taxi driver to take him back to his house, the driver having by then become suspicious, instead of taking him to his house, drove to the police station and informed the police of what had happened. The trunk was discovered with the dead body inside. While the man was strangling his unfortunate victim, his younger brother, a college student, also happened to be in the room.

Setalvad appeared for the main accused, and I appeared for the brother. Justice Kania was presiding over the sessions. Setalvad's client was ultimately convicted of murder, but I managed to get my man off. Kania reserved sentence on Setalvad's client. Next morning he came to court, and we were both there. Kania was playing with a red tape, and would not look at us. I turned to Setalvad and told him: "I am afraid your client will go to the gallows." This was the first death sentence Kania had to pass while presiding over the sessions. Naturally, being a non-violent Hindu, he must have spent an uneasy restless night before he quite decided to pass the extreme sentence, which was fully deserved.

There was a curious sequel to this case. After the case was over, the court was breaking up for the long vacation and I was

going out of Bombay. The advocate of Setalvad's client came to me and asked me to draw a petition for mercy. I told him he was wasting his money, because there was not the slightest chance of the sentence being commuted, as it was a case of pre-meditated brutal murder. He asked me drily to do the best I could, charge whatever fee I liked, and leave the rest to him. I drew the petition, and left Bombay. When I returned I enquired of the advocate what had happened to the petition. He gave a broad smile and said that though I was reluctant to draw the petition, the petition had been successful and the sentence had been commuted. I was absolutely shocked. Those were the days of the British raj and I do not know what manipulations had been contrived in Delhi before a gross crime like this had been permitted to go inadequately punished.

The day I got an important brief was also the very day on which I was engaged to be married, and I always maintained that my wife brought me luck. I must say that, thanks to various circumstances, I have risen in life from one high post to another, but it has always been my belief that it was due more to her luck than to my own good fortune. After that case my practice gradually increased, but it was mainly confined to the Original side of the Bar, and by 1941 I had a fairly extensive practice.

While I was at the Bar I took considerable interest in the Bar Association, and hardly ever missed a meeting. In those days seniors also used to attend these meetings. One useful and wise thing that the Government of those days did was to refer every Bill, which was intended to be introduced in the State Legislature, to the Bar Association for its opinion. The Bar Association used to appoint a committee to consider the Bill which was sent to it, and, after examination, point out any defects or omissions as might be necessary. This saved the Government from many pitfalls which might have invalidated the legislation if it had come up before a court for adjudication. Thus the Bar Association discharged an important function and was in the best position to guide the Government in the difficult task of putting laws on the Statute Book which, as far as one could see, would not be vulnerable to judicial attack.

There was one meeting of the Bar Association which I remember. This was held when Kanga received a knighthood. The meeting was called to vote a dinner to him for the honour conferred upon him. Four members opposed the resolution: they were myself and Purushottam, and if I remember right, Moolgaonkar, who is still at the Bar, and Nadkarni who subsequently became a Magistrate. I made it clear in my speech: "I have the highest regard for Kanga's talents, and any honour conferred upon him would be richly deserved by him. But I object to our celebrating an honour conferred by a foreign Government, We should, independently of Kanga's knighthood, give him a dinner and honour him." The resolution was of course carried by a large majority, and we were looked upon as cantankerous and rather harebrained members of the profession. There was a sequel to this, which I mention for curiosity. When I went to the Bench in 1941, Kanga reminded me of my opposition to his knighthood and said: "Now that you have gone to the Bench, in the usual course, after eight years, you will have a knighthood." But, fortunately for myself, I escaped that mishap, because before the eight years that Kanga mentioned had elapsed, India was free, and there was no risk of His Majesty the King conferring a knighthood upon me.

I was Secretary of the Bar Council for some time. I left the secretaryship only when I went to the Bench. One advantage of the secretaryship was that one came into constant contact with the Chief Justice, since there are many problems connected with the Bar which the Secretary has to discuss with him. It was always a pleasure to meet Sir John Beaumont, who was then the Chief Justice. He was always a staunch champion of the Bar, and a sturdy opponent of the Executive. He tackled all questions with a sagacity and a despatch which always left me with a deep admiration for his intelligence and ability.

I worked very hard at the Bar, but I also had a great deal of fun and enjoyed much comradeship. The haven and refuge for briefless barristers who were waiting for their brief was that great institution—the Bar Gymkhana. As I have mentioned before, after I had sat with Jinnah through all his conferences, he would drop me there in the evening, and we members of the Gymkhana

used to sit there playing bridge and poker and, I must confess, also drinking. We played for small stakes, and it was more the excitement of the game, and the fun of playing with friends that mattered rather than indulgence in gambling. Sometimes when things were too dull and dreary we would escape from the High Court during the day when Jinnah was otherwise engaged, and go to the Bar Gymkhana and indulge in a game of bridge. I always used to rush back to the High Court in time to attend Jinnah's conferences.

Among the friends of the day who used to play truant was Purushottam Tricumdas, who afterwards made a name as a socialist leader. He was a man of sterling virtue and unassailable integrity and independence. There was also, I need hardly mention, Vasant Velinker. Then there was Tendulkar, who afterwards became one of my colleagues on the Bench. There were Gupte and Nadkarni who have now passed away, also Raman Desai who was until recently Secretary of the Asiatic Society, and who is also now no more. I must not overlook Mathalone who is still at the Bar. Among others who were with me were Koyaji and S. T. Desai, both of whom became judges. The most prominent among them all was Azad, who was a well-known criminal lawyer. I should not forget J. P. Patel, a well-known cotton magnate, who although not a lawyer, was for all practical purposes a member of the Gymkhana. He was and is a very close and intimate friend of mine.

Friday evening was a great occasion at the Bar Gymkhana, as the day after was Saturday and not a court day. We used to have dinner at the Bar Gymkhana, and Azad, as the most affluent member in the company, would send his car to fetch the most delectable food which we enjoyed while we carried on with our game that lasted till midnight and even later. Sunday morning used to be what was known as Sir Jamshed Kanga's durbar. He would come at about 10 and stay on till about noon, and treat us all to beer.

The company then was different from the gay company that used to assemble in the evenings before. There was Bhabha, the father of the distinguished scientist Sir Vithal Chandavarkar

who was the Vice-Chancellor of Bombay University for a very long time; Jehangir Vakil who was a fairly prominent member of the Bar. Many others came, whose names I do not now recall. The discussions were generally about politics, and about financial and industrial matters. We would listen to the talk about finance and industry only with academic interest because we had no money to invest, and the share market did not hold any attraction for us. But there were scandals about members of the Bar and the judges, which were a perennial source of gossip. The durbar was an occasion that we heartily enjoyed, and we all looked forward to the Sunday morning meeting.

I have referred to Dr. Homi Bhabha, the great scientist, and I might say a few words about him here. We became very close friends and few persons I knew had such varied interests, in every one of which, it must be added, he excelled. He had a brilliant career in England as a physicist. He was responsible for our researches in atomic energy and the advance that we have made in that science. He was a first class administrator and ran his institution with perfect mastery over every detail. He had a fine aesthetic sense and knew a great deal about music, painting and sculpture. He had conducted an orchestra while he was in Europe, and his own paintings were of no mean order. The Tata Institute of Fundamental Research is a monument to his knowledge of architecture, and his understanding of how to combine functional needs with aesthetic perfection. He knew all about gracious living, and was a great connoisseur of food and drink. I remember Professor Blackett, whom I knew well, once telling me that if Bhabha did not have to devote so much time to administration, and had confined himself solely to science, he would have become one of the greatest scientists in the world. But his administrative work, and what he did for the advancement of atomic energy in our country, will always endure and will be a lasting memorial to his work. When he died, there was a Sheriff's meeting at which I specially came from Delhi to preside, a gesture by means of which I thought I could personally pay my respect to his memory.

Another great pleasure we indulged in while we were at the Bar was watching cricket. I was passionately fond of cricket, and

whenever there were big matches we would run away from court, and sit in our Bar Gymkhana tent which was pitched at the Bombay Gymkhana ground where all important matches were played before the Cricket Club of India appeared on the scene. Those hours spent in our Gymkhana tent were some of the happiest I can remember. We were all experts at the game, or we thought we were, and every ball was commented upon, and either criticised or applauded.

Speaking of cricket, there is an amusing story about Justice Rangnekar. India was playing against Earle's Eleven on the Bombay Gymkhana ground, and Earle had hit eleven over-boundaries. C. K. Naidu was the Captain, and he swore that he would hit more over-boundaries than Earle had done. C. K. Naidu was as good as his word. But before the promise was redeemed, and the target overtaken, he and Amarnath had joined in a partnership which produced throughout the most glorious cricket I have ever seen. They were still not out when stumps were drawn for the day; and so the innings were to be resumed the following day. That day every possible seat in the stands was taken up, and crowds had collected outside the stands to catch what glimpse they could of their batting. Some of us who did not have work in court had flocked to the Bar Gymkhana tent, and were intently watching the batting of our star performers.

Justice Rangnekar, who was also keen on cricket, felt that it was most unjust that he should sit in court, and listen to a dull and dreary case when exciting things were happening right across. As soon as he came to court, a lawyer called Vyas, who afterwards became a Presidency Magistrate, appeared before him. Rangnekar asked him how long the case was likely to last, and Vyas said that it would take the whole day. The Judge then asked him whether all the witnesses were present, and he said "Yes" He then asked Vyas whether it was safe to discharge the Board for the day, which meant that no other case would be taken up except the one on hand. Vyas again answered in the affirmative. So Rangnekar solemnly discharged the Board. After 10 or 15 minutes Vyas got up and said, "I am terribly sorry, my Lord, my principal witness has not yet turned up." To all appearance, Rangnekar was greatly upset. He first read a homily to Vyas. He gravely told the counsel

that he should have a sense of responsibility. He reminded him that he had discharged the Board, and could not take up any other case, and it was a sheer waste of public time. He added that he would reluctantly have to rise.

After this little drama was over, Rangnekar changed and promptly came to the Bar Gymkhana tent to watch Naidu and Amarnath batting. He then told us with all the self-satisfaction which comes from the knowledge of something well done, that he had pre-arranged the entire episode with the help of Vyas whom he had earlier called to his chambers. The subterfuge had worked and had allowed Rangnekar the supreme pleasure of witnessing a memorable display of cricket.

I started this book by saying how unexpected events and contingencies affect one's whole career, and that precisely is what happened to me at the Bar as well. I was going through a stage of extreme hardship, when it would be no exaggeration to say that starvation was round the corner. I was prepared to accept any job that was available, and I nearly accepted an associateship in the High Court, which would have started me on a handsome salary of Rs. 300 or Rs. 350. But Providence decreed otherwise and a ministering angel, (and that is the only way I can describe him), came to my rescue in the shape of S. G. Velinker, about whom I have written earlier. He asked me to stay on at the Bar, and gave me the necessary financial assistance that I needed during those trying days.

A few other things also helped me to carry on. One was the examinership for the LLB, which I owe entirely to Sir Chimanlal Setalvad, who was then the Vice-Chancellor. He was never very demonstrative in his feelings, but having come to know me, having seen me working so hard, having realised my difficulties and problems, he thought it was only fair that he should give me what lay in his power to give as Vice-Chancellor of the Bombay University—that is, an examinership. I also got a part-time professorship at the Government Law College. I used to go in the evening and lecture for an hour at the Elphinstone College, where the Law College was then housed. I held this job for three years, and it was a tremendous help to me in the crisis through which I

was passing. This professorship also, to a large extent, I owed to Velinker who prevailed upon Macleod, who was then the Chief Justice and who was mainly responsible for appointments of part-time professors, to give me this post.

But the event, or rather the non-event, which really changed the course of my life, and where fate mtervened to avert what would have been a disaster for me, was my failure to get the Deputy Secretaryship of the Legislative Council. Sir Chimanlal and Vithalbhai Patel, who was then the Speaker, had agreed that the post of Deputy Secretary of the Imperial Council should be given to me. Vithalbhai Patel, I had known slightly; and he was keen that some young man with a nationalist outlook should hold that post. Everything was arranged, the order had been signed, and Sir Chimanlal one day told me in the Library to pack my bags, and be prepared to go to Delhi. When the order was placed before the Viceroy for his final approval, Sir Mahommed Shafi—I owe an eternal debt of gratitude to him—intervened, and pointed out to the Viceroy that I was not a desirable person for the post because of my political views, and that the post should instead be given to his son-in-law. The Viceroy acceded to his request, and so the post went to Shafi's son-in-law.

I will never forget the despair and distress into which I was thrown at the time when Sir Chimanlal communicated this to me. I thought that everything was lost, and I would remain a pauper without any future and without any sustenance to keep me going. When I look back I realise that if the job had been given to me I would have retired a long time ago on a princely pension of possibly Rs. 400 or Rs. 500! This conclusively shows how fate plays a big part in determining a man's future, and I feel that it is no use pretending that everything that has happened to me and everything that I have achieved is entirely due to my own merit and self-exertion. Of course, work and capacity do count, but you need something more than hard work in order to achieve what you ultimately achieve. You need luck, and you need the contingent to play its part in your favour and not against you. When I see people who have failed or in misfortune, I say to myself that, perhaps, if luck had been on their side, and if things had shaped

themselves in some other way then there would be a different story to tell.

I am reminded of an incident which is partly legal but with strong political overtones. Dr. Ansari, whom I happened to meet, asked me whether I was willing to lead the defence for the accused in the Meerut Conspiracy trial. The trial was to go on before the Magistrate, Mr. Milner White. At that time, the Congress and the Communist party were in close alliance. There were a large number of accused—some of them very well known, like Mirajkar and Dange, Spratt and Usmani. I accepted the assignment, and I went to Meerut and took with me as my junior Vasant Velinker. We took a house there and Vasant who helped me greatly in my legal work, also took upon himself the additional task of running the house, something about which I knew and understood very little.

We had some outstanding lawyers coming and participating in the trial from time to time. Among those I remember were K. F. Nariman, one of Bombay's great citizen heroes, and Motilal Nehru who came once a week to hold a conference with us. He always began by saying "Gentlemen, I don't understand criminal law, I am a purely civil lawyer." But for a great civil lawyer, criminal law is a very simple affair, and in any case Motilal Nehru had such an astute and alert mind that he could tackle any legal problem that was placed before him. The conference would start at about 6.00 p.m. and by 6.30 or 7.00 p.m. Motilal Nehru would get up and say with a wink, "Gentlemen, it is now time for my medicine, and I must retire for 10 or 15 minutes, and then we shall resume." Having imbibed his medicine he would return to the conference promptly at the time mentioned. It was a privilege to be associated with a great lawyer like Motilal Nehru. My stay at Meerut was short, because I found that what I was expected to do was not to defend my clients, but to act as their mouthpiece to carry on communist propaganda before the magistrate. This I flatly refused to do, and so, after about a month or two at Meerut, I returned to Bombay.

I remember a curious incident that happened while I was there. I went to a District Court to apply for bail for one of my clients at

this trial. The eminent English lawyer from Calcutta, Langford James, was opposing me in the case, as he was to appear for the prosecution. As I was going to the District Court I naturally put on my gown and bands. When I reached the District Court I found Langford James in his black coat and tie, which is usually worn before a magistrate. I looked at him in surprise. He merely smiled and said: "Wait till the Court assembles." When the District Judge came in I found that he was dressed in a white achkan and white pyjamas. He was a venerable old man, full of the civilities which are found in North Indian social life. I got up to argue my case, and suddenly his little grand daughter who was four or five years old came into the Court and walked up to the Bench. While I was arguing, the District Judge was affectionately stroking his grand-child on the head, and talking to her. Langford James looked at me and smiled, and I understood why he wore only a black coat and tie unlike myself who had turned up in my full barrister's get-up.

I would like to take a long jump here, into the future, to the year 1967 when I rejoined the Bar after resigning from the Cabinet. I resumed practice after having divorced myself from law for nearly ten years. I had not kept myself in touch with what had been happening in the legal world, and I thought even the principles of law that I knew had become a little rusty and out of date. I had therefore, in a sense, practically to start from scratch. I was very fortunate, for I succeeded in building up a fairly large practice in the Supreme Court, but what touched me most was the cordial way in which I was received by the Bar, almost like a lost soul returning to his proper abode.

When I stood for the Executive Council of the Supreme Court Bar Association I succeeded in getting the largest number of votes and finally they conferred upon me the greatest honour which was in their power to confer when they elected me President of the Bar Association. As I write this I am still in practice. I do not know how long I will be able to continue, but with the present level of taxation, the financial aspects of a large practice have ceased to have any relevance. If you are honest in paying your taxes, and I am afraid I have that weakness, then there is very little that one can save. But I would be miserable without having

any work to do, and the reason I continue to practise and work hard is not that I earn a large income (which is only on paper), but that the work interests me, and that I am fascinated by the prospect of appearing before judges, and entering into a legal duel with them on behalf of my clients. I have come to the conclusion that the only real happiness in life is to be able to do work, which one whole-heartedly likes. Without work life ceases to have any significance; and with work, which one does not like, life becomes a torment and a torture. Of course, there are disadvantages in my practising at the Supreme Court Bar: I have to live many months in Delhi all alone, the family being away in Bombay; and there is nothing I have hated more in life than loneliness. And yet my destiny dictates that I be compelled to live the last days of my life away from those for whom I care, and whose company I cherish.

The time has now come when I must sum up my life at the Bar, to state what it has meant for me, and what are the lessons I have learnt after a fairly long practice. I practised for 19 years from 1922 to 1941 when I went to the Bench, and then resumed my practice in 1967, and I am still practising in 1973, when these words are being written.

Law is a great discipline for the mind. It teaches you how to think clearly, precisely and accurately. Every word has its definite meaning, and must find its proper place in its own context. Verbosity and diffuseness are foreign to a well-trained legal mind. Such a mind is essentially logical, and has the courage to face the results of its own mental processes, and not to hide them under a cloud of rhetoric and declamation. There are many people who confess that they cannot understand how advocates defend bad causes. There is also a belief that an advocate's function consists for the most part in showing white as black and black as white. The only answer that one can give to this popular misconception is the famous answer that Johnson gave to Boswell, when he was asked what he thought of an advocate supporting a cause which he knew to be bad. Johnson's answer was that the advocate did not know it to be good or bad till the Judge determined it for him and for others. Therefore, the duty of the advocate is to do his best for his client. He is after all the client's mouthpiece, and he

must put before the court all aspects of the case which are favourable to his client. But he must do so fairly, without misleading the court, and without concealing from it anything that it is his duty to divulge. But he is not concerned with the final result. That rests with the judge, and it is ultimately for the judge to decide which side is right, and how justice should prevail.

The judicial process, as we understand it, would be impossible unless the truth were elicited by two opposing sides putting before the court different facets of the truth. There is nothing more difficult in the world than to discover the truth, because truth is not something simple, something which is apparent, something which can be discovered by merely looking at one side of it. It has so many facets, so many contradictions and inconsistencies, that it requires two trained minds to put all aspects of it before the court, and a third expert mind to come to a conclusion—a conclusion which is the nearest one can reach in the discovery of the ultimate truth, and thus administer justice according to law. Lord Macmillan once said that the best advocacy was to help the judge to write his judgment. This does not mean that the advocate must submit to every suggestion that falls from the bench. He should be fearless, and refuse to accept any proposition which seems to him to be fallacious or erroneous that may emanate from the judicial authority presiding over the court, however eminent such an authority may be. Great advocacy must be both fearless and fair. The administration of justice is made possible not only by a fair and impartial judge, but also by a courageous and upright advocate.

I have always held the view that the administration of justice is a cooperative effort, an effort in which both the judge and the lawyer act in concert with one another. There is a growing tendency to hustle advocates, and in the name of despatch, decide cases without giving a fair hearing to the lawyer. I am all for despatch and for quick decisions, but despatch must not be confused with hustle. A good judge can let an advocate have his full say, control his advocacy, understand and appreciate his point, and yet not permit time to be wasted by irrelevance. The duty of an advocate is not to convert the judge to his point of view; his duty is to see that the judge has understood and appreciated his side

of the case and his arguments. By the same token, it is not the duty of the judge to convert the lawyer, because the lawyer is paid not to be converted.

If all this is well understood, I think there can be a much greater control over arguments than I have witnessed recently. Repetition does not advance the strength or validity of an argument, nor reference to a string of authorities, when the principle of law is well settled, and capable of being accepted without any debate. The present tendency to rely more and more on authorities, and less and less on principles, is, to my mind, most unfortunate. Judges these days seem to refuse to decide a case unless an impressive number of authorities are cited before them. They require external props, so to say, to support their judgment. This, I think, arises from a fear that if a principle of law were enunciated without a supporting authority, the principle would not carry much weight.

There is one important thing which I learnt at the Bar, and that is, how to try to get at the root of the matter. Masses of papers, and innumerable, and very often irrelevant, facts are placed before a lawyer. It is the duty of the lawyer to sift the chaff from the grain, and put his finger on the real question that will ultimately decide the case. This habit of trying to get to the heart of the matter stood me in good stead when I had to deal with a large number of files in the many different posts that I held. It would have been impossible to make decisions or pass orders, unless you could glean from the files submitted by the official the central issue that called for a decision. The reason why files pile up, and administration has become slow, is that decisions which could be given quickly are held up by considerations which are not really relevant, though there could also sometimes be considerations of a different sort—about which the less said the better.

The Bar also taught me to develop lucidity of expression. An involved argument is a bad argument. The whole object of advocacy, if I may use a colloquial expression, is to put across a point of view; put it across in such a way that it is clear to the Bench what that point is. The Bar is one of the most important

of all professions. He who joins it belongs to a great fraternity. The most valuable asset he enjoys is complete independence and integrity. He is no man's servant. He is not compelled to do any work which he does not want to do. He cannot be compelled to argue in a manner which, though it might please his client, would, in his opinion, be detrimental or prejudicial to his cause. He has to be courteous to the judge, but at the same time he can maintain his dignity and the right to express his own views, even though they may not be acceptable or palatable to the presiding dignitary.

But even more important than what happens in court and in his legal professional life is the freedom and the right to hold such views as he believes in, outside his profession. A lawyer can belong to any party, he can have any ideology, he can support or attack government, and no one can prevent him from doing so. The most important single quality, therefore, that the lawyer should develop is intellectual integrity. Law and liberty have always gone hand in hand, and no one has contributed to liberty more than law and lawyers. Lawyers must also remember that they can play a big role in the creation of public opinion.

I often hear the remark that it is useless to try to do anything because government is all-powerful. But in holding this opinion one also denies the very basis of democracy. If one is a democrat, one has to believe, that however powerful the Government may be, public opinion can ultimately assert itself, and compel the Government to submit to that opinion. It is only this faith which can make the working of democratic institutions possible, and as I said, in this, lawyers can play a big part.

When I came back from Oxford in 1922, distinguished lawyers occupied a prominent position in public life. I find now that lawyers are relatively withdrawn from such activities, it may be out of a sense of frustration or a sense of defeat. It will be an evil day for India if lawyers cease to play an important part in the public life of the country. Lawyers alone can bring to politics a mental outlook and attitude of mind which is trained to be objective, which can weigh the pros and cons of a situation, and which can make it possible for a man to arrive at a conclusion

or a solution which is not only fair and reasonable, but also in the best interests of the country.

I hate delivering sermons, and there is nothing that I detest more than self-righteousness. Every one is entitled to live according to his own light, and only the person concerned knows what the essential difficulties and problems are. Therefore no one has the right to tell anyone else how he should lead his life. But having now passed seventy years of my life, I think I might be permitted to give a few words of advice to young aspirants at the Bar.

No one can assure success at the bar to any young man who is entering the advocate's profession. Success must ultimately depend upon the man himself. There is no other profession which demands such patience and perseverance because, as Lord Hewart once said, life at the Bar is never a bed of roses. It is either all bed and no roses, or all roses and no bed. The most difficult time in an advocate's life is when it is all bed and no roses. It is when he is passing through such a situation that he must maintain a stout heart; it is then that he must work and slave in a spirit of single-mindedness. It is also the time to learn all that there is to learn about the art of advocacy.

I am, moreover, convinced that success would come to every young man who has faith in himself. He must enter the profession with the zeal of a crusader. For years there may be no work; he may even be faced with prospects of starvation. He may come to feel that his talents are not being used. He may see undeserving men flourish in the profession. But opportunity comes to everyone, and when the opportunity comes no young man should be found wanting. It is then that he must put into practice all that he has learnt in the long years of waiting; and there is no success like the success in the profession of law. Whereas a successful doctor or a successful engineer can only do his own specialised work, there are few subjects and matters that a successful lawyer cannot tackle.

The key to success is the art of distinguishing the relevant from the irrelevant; it is a key that can open any door. And when the lawyer does get on, he must not forget the basic quality of

fairness upon which all dispensation of justice must ultimately depend. He must not forget that he is not only fighting the battles of his client, but is also assisting in the administration of justice. He is bound to fight for his client with all the force and vigour of which he is capable. I do not believe in tepid advocacy. An advocate should enter into the fray with zest and confidence. It was said of one famous English lawyer, Lord Carson, that he made the judge feel that every client he appeared for was a gentleman, and every cause he defended was the most just of causes.

CHAPTER FIVE

Politics

IN the period between 1922 and 1941, the year I went to the Bench, I divided my time and energy between law and politics. I was deeply interested in politics. Politics is a field that represents the interplay of human interests, human ambitions, human aspirations. In our country it also represents the conflicts and differences between community and community and region and region. It has been said that politics is the art of the possible. I do not wholly subscribe to this proposition because if one were to think only of the possible, then there would always be a tendency for one to be preoccupied with hunting for jobs or seeking office. Politics must be raised above the realm of the possible. One must have in politics ideas, principles, values and aspirations.

As far as I am concerned there are three things to which I have always adhered. They have represented my working faith and my abiding belief. These principles are unity, secularism and democracy. I know all the divisive factors but to my mind they are superficial. I have always thought that it was India's destiny to remain one country and one nation. One has only to look at a map of Asia to be convinced of this fact. With the Himalayas in the north and the sea in the west, south and east, India stands out as something distinct and apart from other countries that separate it. The Gods in their wisdom wanted India to remain one and undivided. Further, there is an Indianness and an Indian ethos, which has been brought about by the communion and

intercourse between the many races and the many communities that have lived in this land for centuries. There is a heritage which has devolved on us from our Aryan forefathers. There is an Indian tradition which overrides all the minor differences which may superficially seem to contradict the unity. Even the large Muslim community, which numbers about 60 million, inherits the same tradition and legacy, because more than 90 per cent of the Muslims living in India were converted from Hinduism, which is the primary religion of this country. Hindus and Muslims have lived together as friends and comrades from times immemorial. They participate in one another's festivals and even worship together common Saints in whom they both have faith.

It was largely the policy of the British that brought about a sort of separation between the two communities. Lord Morley was the first to use the expression "rally the minorities" that later became notorious, and the only hope that the British had of continuing to govern this country was by adopting the old policy which empires in the past had always pursued—'*Divide et Impera*'. I think one of the biggest blows that was dealt to national unity came when separate electorates were created by the British. It was a Machiavellian design to put Indian citizens in different compartments. I am convinced that if the basis of elections had been joint electorates, there would never have been a demand for separation or partition. If Hindus had to seek the suffrage of Muslims and Muslims in their turn had to seek the suffrage of Hindus, fanaticism would have been at a discount and communal fanatics of either community would never have been elected to the legislature.

I think it is wrong to equate religion with nationality. A nation has many more attributes than a religion has. The fact of worshipping in the same place, or believing in the same religious tenets, does not by itself go to create a sense of nationhood. A nation must have a common culture, a common past, a common heritage, and Hindus and Muslims shared all these; and the mere fact that they subscribe to different religious tenets could not or should not have come in the way of their looking upon themselves as belonging to one nation. Religion is a purely private and personal matter. It is no one's concern as to how I satisfy my

spiritual craving, or the manner in which I hold out my hands to the stars. Religion should never be allowed to intrude into public affairs. Public affairs are by definition affairs in which the public as a whole are interested.

Patriotism should always be territorial and not communal or religious. One loves one's country, one loves one's motherland, and that is the essence of patriotism. One may love one's religion, but that cannot override the love that one has for the land of one's birth. Of course, there is a danger in India—and I am afraid, it is a grave danger—that territorial patriotism is often confined to a particular part or region of the country, and does not necessarily embrace the whole of it. One may be a good Maharashtrian or a good Gujarati or a good Bengali, but this is a narrow loyalty. The larger loyalty should be reserved for the country as a whole, for it is that which belongs to all Maharashtrians, Gujaratis or Bengalis.

There is also a danger—and again a grave danger—of linguistic patriotism. Language is very important to every individual; in it is enshrined the culture of the community, its songs, its history, its aspirations and the values it stands for. But although in this country we have many languages, a common vocabulary has grown up which makes it possible for the people to communicate with one another. I believe in a common or a link language, which is essential for the development of the country, and important for communications between what one might call the intellectual elite. Today at important national conferences dealing with diverse subjects we do not need interpreters to interpret speakers to one another, but the increasing prominence given to regional languages will ultimately result in that unwelcome, one may even say, awful possibility.

I do not minimise the importance of regional languages. The overwhelming majority of the people living in a State speak the same language, and it is rarely that they have occasion to leave their State. But one must also think of the many brilliant young men and women who will want to go out on a voyage of discovery, or to improve their lot, and achieve eminence in their own subject for their own good and ultimately for the good of their own

people. We do not want talent or genius to be compartmentalized or to become restricted. Talent and genius must remain national, and the contribution that they make must be for the good of the whole nation, and not merely for the region to which they belong.

The question may well be asked why, if I was a nationalist, I ever joined the Muslim League. When I left India in 1919, Jinnah was the uncrowned King of Bombay. He was the idol of the youth. His personality and his sturdy independence attracted and appealed to the best elements in the city. He was the President of the Home Rule League, and had made stirring speeches in Shantaram Chawl, which was then the venue of political meetings. He had opposed the presentation of an address to Lord Willingdon, who was then the Governor of Bombay, because he believed that his policies were anti-Indian. So great was the enthusiasm of the people for Jinnah in those days that from contributions made by rich and poor alike they had built a Hall, which they named after him. Even today, Jinnah Hall exists as evidence not only of the past nationalism of Jinnah, but of our own tolerance, in that although he later became the architect of partition, we have not changed the name of the Hall.

The Muslim League in those days believed in the cause of Hindu-Muslim unity and was entirely a secular institution except for the name. People like Jinnah and Mazrul Huq, who belonged to the League, had no truck with the fanatical Muslims whom the Khilafat movement had thrown up. I have always felt that Gandhiji was wrong in trying to bring about Hindu-Muslim unity by supporting the cause of the Khilafat. Such unity was built on shifting sands. So long as the religious cause survived, the unity was there; but once that cause was removed the unity showed its weakness. All the Khilafatists who had been attracted to the Congress came out in their true colours, that is, as more devoted to their religion than to their country. The Muslim League wanted to fight this element and to make common cause with the secular Congress.

So long as Jinnah remained a nationalist and the Muslim League continued its old policy, I remained with Jinnah and also with the League. But as soon as Jinnah became communal-minded

and started his two-nation theory, I parted company both with him and with the League. The evolution of Jinnah from a national to a communal leader remains an enigma. To me, it was inconceivable that Jinnah should ever have come to be the main architect of Pakistan. His nationalism was so genuine, so instinctive, so abiding that to expect that he should swing so violently from one direction to a diametrically opposite direction, seemed to me to be contrary to ordinary expectations about human nature.

Why did Jinnah change? There could be many possible explanations for this. Jinnah's besetting fault was his obsessive egoism. He had to be a leader, and the prime mover in whatever cause he worked. With the emergence of Gandhiji in Indian politics, Jinnah felt that his importance would gradually diminish. Jinnah was the complete antithesis of Gandhiji. While Gandhiji believed in religion, in abstract moral values, in non-violence, Jinnah only believed in hard practical politics. Even sartorially it was impossible for Jinnah to subscribe to Gandhi's views. He could not possibly give up his faultlessly tailored suits and his high collars for the simple khadi which Gandhiji wanted.

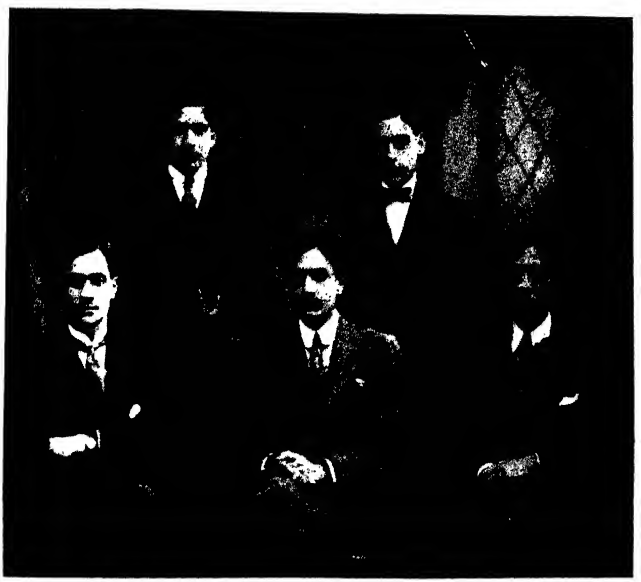
Unfortunately, Jinnah was also antipathetic to Jawaharlal Nehru. These two were never, to use a current phrase, on the same wave length. Jawaharlal disliked Jinnah as a man because he thought he was all arrogance and pomposity. He also despised Jinnah as someone essentially uncultured, almost illiterate. He thought Jinnah's reading never extended beyond the daily newspaper and that he had not a single intelligent or enlightened idea in his head. Jinnah, on the other hand, looked upon Jawaharlal as an impracticable visionary who had no conception of what politics meant. There was a better understanding between Jinnah and Motilal Nehru partly because both were distinguished lawyers, and partly because both were practical men who allowed for ordinary human weaknesses.

After he was dropped from the Third Round Table Conference, Jinnah became convinced that if he had to have a place under the sun, he would have to stand on a communal platform. Jinnah's transformation really began when it seemed to him that he was

beginning to be considered as a man of little consequence—so much so that he could not even find a place in the Third Round Table Conference. Once he adopted the communal platform he drifted rapidly and came to a stop only when he reached the pinnacle to become the leader of the communal party that the Muslim League ultimately became. Jinnah's dominant characteristic was tenacity. Once he made up his mind, nothing in the world could divert him from his chosen objective. No temptation, no bribe, no pressure had the slightest effect and it is a measure of the man that he succeeded in creating a new country,—Pakistan, with very little following, with no strong press to back him, and with little financial assistance. Most of his colleagues in the League were men of poor calibre and it was practically his own personality, will power and self-confidence, his inflexible purpose and domineering attitude, which made it impossible for his colleagues to differ from him and made partition inevitable. Of course, in the end, he could count on mass communal fervour, while part of the British bureaucracy also threw in its weight consciously or unconsciously on his side.

I have always taken the view that partition was a tragedy and a calamity, and I also hold the view that it was not unavoidable. Partition has solved no problems; on the contrary, it has created more problems and very serious ones too. It is absurd to think of a home for the Muslims, when as many as 60 million Muslims were left behind in India. I remember once asking Jinnah: "You are fighting for Pakistan mainly in the interest of the Muslim majority states. But what happens to the Muslims in the States particularly like Uttar Pradesh, where they are in a small minority?" I will never forget the answer he gave me. He looked at me for a while and said: "They will look after themselves. I am not interested in their fate."

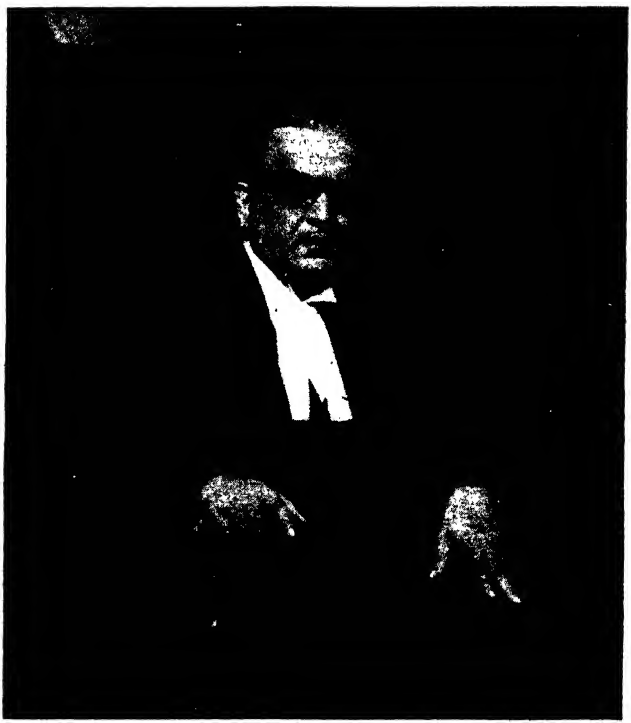
Of course, we on our side also made many mistakes. I do not know whether we were in a hurry to take power, or whether we were genuinely convinced that it was impossible to work with the Muslim League in governing a free country. I do not think Jinnah really expected that the Congress would ever concede Pakistan. To him it was more of a bargaining counter, and if we had bargained properly, he would have given up the idea of



OXFORD INDIAN MAJLIS

Sitting. Centre: The author, President
right: Mr. B. R. Sen, Ex. Director-General, F.A.O
left: Prof. Velinker

Standing: Left: Dr. Bhajekar
right: Mr. R. K. Nehru, Ex. Secretary-General, External Affairs Ministry.



The author as Chief Justice, Bombay

Chinese Premier Chou-en-Lai, the author's wife and the author at the Raj Bhavan, Bombay.

The author, Emperor Haile Selassie of Ethiopia and the author's wife at the Raj Bhavan, Bombay.

Dalai Lama, the author, his wife and Panchan Lama at the Raj Bhavan, Bombay.

The author and his wife at the Embassy in Washington, U.S.A.

President Eisenhower, President Rajendra Prasad, the author and the U.S. Ambassador in India, Mr. Ellsworth Bunker.

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Pakistan and accepted a United India. As a practical man, he realised the utter impracticability of a country, whose two wings were divided by 1,000 miles of Indian territory, and a country, the major half of whose population in the east was of a different culture and spoke an utterly different language. We must not forget that Jinnah had no foothold in Punjab at all, while in Bengal Suhrawardy was not happy to go along with him and continued to drag his feet for a long time.

At least as far as Punjab was concerned, it could be said that we presented the province to him on a platter because of our wrong policy. We also did not play our cards well in the North-West Frontier Province. There too Jinnah had a formidable opponent in Khan Abdul Ghaffar Khan, better known as the Frontier Gandhi. There was also the press interview that Jawaharlal Nehru gave after Jinnah had practically agreed to the proposals of the parliamentary delegation. In the interview Jawaharlal suggested that the proposals were not binding and conclusive. After that interview Jinnah backed out of his agreement, and we missed the last chance of a settlement.

I also think that the alliance between Mahatma Gandhi and the Khilafatists considerably accentuated the communal and religious aspects of Indian public life. Gandhiji was essentially a religious man, and it is very natural that he should feel that he could bring about unity on the basis of religion. As I have already stated, as soon as the Khilafat cause disappeared from the picture, the Khilafatists went back to their original fanatical and religious outlook on life. It also resulted in a great set-back both for Jinnah and men like him and for the Muslim League, which was working on secular lines. During the Khilafat agitation Jinnah was very much in the background, and did not count for much. Those were the days when the Ali brothers held sway not only over their own co-religionists but practically over the whole of the country.

To my mind, however, one of the most potent causes which ultimately led to the creation of Pakistan was what happened in Uttar Pradesh. If Jawaharlal Nehru had agreed to a coalition ministry and not insisted on the representative of the Muslim

League signing the Congress pledge, perhaps Pakistan would never have come about. I remember Jawaharlal telling me that Khaliquz Zaman was one of his greatest and dearest friends, and yet he led the agitation for Pakistan in Uttar Pradesh. Uttar Pradesh was the cultural home of the Muslims. Although they were in a minority in that State, if Uttar Pradesh had not gone over to the cause of separation, Pakistan would never have become a reality.

But all this is past history. Whatever may be the causes, whatever may be the reasons, whatever may be the mistakes committed on either side, partition did come about and India was divided. I myself think that Jinnah never expected that the Congress would accept Pakistan. I also think that if we had held out and refused to surrender on the issue of unity, perhaps India today would be a united country. Gandhiji was right when he finally declined to submit to the idea of division of our country. He had foresight and also statesmanship. He knew that Pakistan was wrong in principle; it was wrong as a political move and it was wrong to the extent that anyone expected any beneficial results from a division of the country into two.

As I am writing this, Bangladesh has come into existence. The emergence of this new nation not only means a great victory for democracy and the right of the people to determine their own future, but it is also final and conclusive proof that the evil doctrine of two nations was false and had no relevance either to a rational conception of citizenship or to any enlightened standards of public life. We witnessed the extraordinary spectacle of a fanatically Muslim nation, Pakistan, committing genocide by killing millions of Muslims in Bangladesh. We also saw the Indian army, fighting by the side of the brave sons of Bangladesh, mostly Muslims, giving a crushing blow to Pakistan's army, compelling it to surrender, and thus liberating Bangladesh and giving to its people freedom and security.

Islamabad is now left with a truncated Pakistan—the majority of its citizens having seceded from it, and in contrast Bangladesh, the new emergent State, has become the second largest Muslim country in the world. And yet that country, far from believing in

the two-nation theory, has proclaimed as its policy secularism and the most cordial and friendly relations with India. If dead men turn in their graves, Jinnah could not but have turned violently in his grave at the events that have taken place. His dream of a homeland for the Muslims has been shattered and now lies in ruins. Far from there being a Pakistan which is a home of the Muslims, the home of the Muslims now is Bangladesh which does not believe in religion as the basis of nationhood; and the other home is India which obviously and patently is a secular country.

That brings me to the question of secularism. Today, secularism has been written into our Constitution in indelible lines. As a legal concept, secularism means equality before the law, and no distinction between one citizen and another as far as the application of laws is concerned. It also means equality of opportunity and a refusal to classify citizens into first class citizens and second class citizens. But, in my opinion, secularism is much more than that. Secularism is an attitude of the mind and a quality of the heart. It is a matter of temperament, of outlook, even of feeling. A man with a secular outlook looks upon all persons as human beings pure and simple, equally estimable or precious not only in the eye of the law, but in the eye of God. You refuse to classify people according to the religious labels which you attach to them. You do not think of a man as a Hindu, a Muslim or a Christian, but merely as a human being. You make friends with him as a human being and you deal with him as a human being. You are not conscious of the religion he professes.

I remember when I went to the United States as Ambassador, when I was asked at my first Press Conference whether I was a Muslim, I answered: "How is it any business of yours what my religion is? That is purely my personal affair. All that you have a right to know is that I am an Indian and proud to be an Indian. When I meet an American I do not ask him 'Are you a Protestant or a Catholic or a Jew?' To me he is a citizen of the United States, and I treat him as an American. I do not understand why you take this attitude when you are dealing with the people of India."

I believe that religion should never be allowed to intrude into

public affairs. Every public question must be judged from the point of view of national interest. I always felt, therefore, that the Muslims, or a large majority of them, were making a great mistake in continuously emphasising their minority status. They should join the mainstream of national life. They should not forget that they are as much Indians as their Hindu fellow-citizens; that they have as much right to be proud of India as the Hindus; that they have inherited the same traditions and the same legacy from common ancestors going back to hundreds of years.

I have always resented the suggestion that because I am a Muslim I am less of an Indian than a Hindu. To me, Pakistan is as much a foreign country as Turkey or Iran or the United Kingdom or the United States. Merely because Pakistan happens to be a Muslim country it does not make me feel any different towards it, and I have always judged Pakistan's policy from an Indian point of view. I have believed in national integration, not as something which will wipe out Muslim culture or the Urdu language, but as something which considers Muslim culture and the Urdu language as the Muslim contribution to Indian culture which the Hindus must share with the Muslims, just as the Muslims must share with the Hindus the Hindu contribution. I have, therefore, often strongly disagreed with the Government policy of constantly harping upon minorities, minority status and minority rights. It comes in the way of national unity, and emphasises the differences between the majority community and the minority. Of course, it may serve well as a vote-catching device to win Muslim votes, but I do not believe in sacrificing national interests in order to get temporary party benefits such as getting a few more seats in certain constituencies.

The Congress Government has also often followed what I can only call the old British policy of communalism. In my view, if it is communalism to pass over and ignore a man with merit simply because he happens to be a Muslim or a Christian or a Parsi, it is also communalism to appoint a person merely because he happens to be a Muslim or a member of some other minority community. It is injurious to the interests of the minorities themselves to have posts and offices filled by men who have no merit, merely because they want representation in high offices. The minorities come to

expect that they will get certain posts whether the men deserve to get them or not. It is much better that they learnt to work hard and deserve the post.

When I am told that there is no minority representation in any particular post, I often ask the question: Is there any deserving person who has been passed over? If so, it is injustice, and we must fight against it. But if there is no deserving person, then to clamour for a post is really to be communal. And to yield to the clamour is also to betray a communal spirit. It amounts to a reproduction of the bad old days and of discredited British policies. Such policies result in bitterness between majority and minority communities, and lead to a sense of frustration on the part of a member of the majority community, where legitimate claims were overlooked in favour of a less deserving member of a minority community.

Consider the attitude of the Government to the question of a uniform civil code. Although the Directive Principles of the State enjoins such a code, Government has refused to do anything about it on the plea that the minorities will resent any attempt at imposition. Unless they are agreeable it would not be fair and proper to make the law applicable to them. I wholly and emphatically disagree with this view. The Constitution is binding on everyone, majority and minority; and if the Constitution contains a directive, that directive must be accepted and implemented. Jawaharlal showed great strength and courage in getting the Hindu Reform Bill passed, but he accepted the policy of *laissez-faire* where the Muslims and other minorities were concerned. I am horrified to find that in my country, while monogamy has been made the law for the Hindus, Muslims can still indulge in the luxury of polygamy. It is an insult to womanhood; and Muslim women, I know, resent this discrimination between Muslim women and Hindu women.

I believe in democracy as an article of faith. To me, it is much more than general elections, adult franchise, parliamentary forms of government, cabinet responsibility, and so on. These are all very important, and they have to be maintained, but more than that, one must have an outlook on life and an attitude which is demo-

cratic. I believe in democracy because democracy means freedom, not unbridled freedom but freedom consistent with order and security of the State. It also means respect for the individual and his right to think his own thoughts, to express his thoughts freely and to experiment with his own life in a way that does no harm to others.

I hate regimentation; I cherish the privilege of deciding for myself what my private life should be, how I should spend my leisure, and how I should find my own happiness. The State should lay down the standards of public conduct. But as regards private conduct, to the extent that it does not interfere with the rights of others and does not impair the safety of the State, it should be entirely the concern of the individual. As I said, I believe not only in the democratic form of government. What is much more important, I also believe in democracy as a philosophy of life. In order to be worthy citizens of a democratic State, we must acquire a democratic outlook and a democratic spirit. In the first place, we must be tolerant. To my mind, tolerance is the greatest of all human virtues. We are so apt to be narrow and fanatical, accepting as right only those things we believe in, and limiting our vision by the experience we have had. We are only too ready to condemn as heterodox or immoral all ways of life which are not our own and all opinions not entertained by us. We refuse to countenance any gods we have not set up, and any standards which we have not accepted as the right ones. This certainly is not what is meant by the democratic attitude to life.

We must live and let live. We must recognise the infinite possibilities of human fallibility. So many dogmas, once considered to be unshakeable, have been thrown on the scrap-heap. Standards have changed from age to age and even today are different in different countries. The democratic ideology is always willing to concede that there may be an element of truth in every belief held by any particular section of the public; it is not prepared to coerce a minority opinion by the brute force of numbers. It is ever ready to discuss and debate, and is more anxious to get the minority to acquiesce in the decision of the majority than coerce the minority into an unwilling submission. The democratic temper is also tolerant towards human frailty. A man may aspire to perfection,

but he is made of clay, and more often than not, he deviates from the straight and narrow path. This deviation is partly due to his own weakness and partly to overpowering circumstances created by the society in which he is placed. His errors and his lapses are not always wholly of his making. We need a more sympathetic understanding of human frailty in the sphere of individual relations.

Today, one great problem of democracy is to reconcile the rights of the individual citizen with the rights of the State. The citizen has to be protected against an all-powerful State. The citizens' rights have to be safeguarded by the judiciary. The fundamental freedoms are the cornerstone of our Constitution. They have to be consistently upheld by the judiciary, which has been constituted as the custodian of these rights. But judges do not and are not expected to live in an ivory tower. They have to be conscious of what Justice Holmes called "the felt necessities of the times". They cannot shut their eyes to the society in which they are living. They cannot be oblivious of the inequalities that exist, and of the terrible poverty that millions of people endure. The State, therefore, has also to be conceded its right to remove these inequalities and to banish poverty.

But we must remember that ours is a democratic Republic. When people talk of socialism, they forget that the socialism we want to achieve is democratic socialism. We want to bring about socialism by democratic means and not by totalitarian or arbitrary methods. Once there was a debate in Parliament concerning the Directive Principles of the State and Fundamental Rights, and some who took part in this debate—and I am sorry to say that among them were very eminent lawyers—advocated the theory that Fundamental Rights must give way to the Directive Principles of the State whenever there is a conflict between the two. To accept this proposition is to subvert the very basis of the Constitution, and to change it from a democratic to a totalitarian one.

The founding-fathers, in their wisdom, made it clear that the Directive Principles are not mandatory, while the Fundamental Rights are sacrosanct. Directive Principles are sign-posts which

indicate to the Government and to the people the direction the country and the nation should take, but it must always be borne in mind that in implementing the directives of the State we are not to violate Fundamental Rights. In other words, the directives of a State policy must be achieved by democratic means without sacrificing individual liberty or the other liberties guaranteed under the Constitution.

I remember Jawaharlal Nehru telling me once, when I was a Judge, that we Judges impeded the progress of our country, to which I replied: "Panditji, the solution is very simple. Do away with democracy and govern by decree, and the country will move very fast and your ambitions will be achieved more quickly than seems possible at present." But I must say in fairness to Jawaharlal that, although he was sometimes upset by some of the decisions given by the Courts, he always showed the highest respect for the judiciary.

About my own personal history during the period 1922-1941, I realise that it would not be of much interest to the reader; but, after all, I am writing my own life, and I must recapture from it whatever I think is of significance as indicating the development of my own ideas, and the activities which had a bearing upon the direction that my life ultimately took. I have hunted for old papers, and I find they have a musty appearance, both physically and even from a historical point of view. But as I looked through them, many memories revived—memories of many diverse events which I had forgotten and of various activities which I did not then even remember I had participated in. Throughout these papers I notice that the burden of my song was Hindu-Muslim unity. In lectures, in articles, in the letters I wrote in the talks that I had, the thing that was uppermost in my mind was the question of unity.

One of the first lectures I delivered after I returned from Oxford was in Poona at the Fergusson College on *Separate Electorates*. Mrs. Sarojini Naidu presided over the lecture. I must pause for a while here, and say a word about Mrs. Naidu and about Poona. I have already referred to Mrs. Naidu earlier, but I wish to repeat that throughout these years I had no greater friend and well-

wisher than Mrs. Naidu. She was a fine woman, perhaps the finest I had ever met in any part of the world.

Mrs. Naidu's qualities, to use a hackneyed phrase, both of head and heart, were great. She was a nationalist to the core, and was wholly dedicated to the cause of Hindu-Muslim unity. She tried very hard to keep Jinnah on the right lines, and to bring about a rapprochement between him and the Congress. I often acted as a liaison between the two of them. He treated her in a rather cavalier fashion as a poet but with no political sense. But on her side, she had great admiration for Jinnah, and she was anxious that the quality of leadership and the undoubted talent that he possessed should be harnessed to the service of the country.

For many years whenever she was in Bombay she lived at the Taj, always in the same room; and for me it was a sort of Mecca to which I turned, whenever I was in difficulty, or whenever I wanted solace or comfort. There were innumerable days and evenings spent in her room talking to her. Her daughter, Padmaja, familiarly known as 'Bebe', was very often with her, and I remember Padmaja reading to me the poems she had written. I often begged of her to get these poems published; but with her innate shyness and modesty, and with the example and model of her mother before her—she might have been frightened by the contrast that people might be tempted to make—refused to publish them. I think the literary world has lost a great deal by her refusal even to this day to get what she had written put in print.

For Poona I have always had a special attachment. As I had no connection with that city, I used to say in joke that in my last life I might have been born a Poona Chitpavan Brahmin. At the time of which I am writing, Poona had a wonderful academic and scholastic atmosphere about it. Poona has produced some of the greatest men of our country, Ranade, Gokhale and Tilak, to mention only three. Joseph Chamberlain, a British Minister, used to say: "What Manchester thinks today, England will think tomorrow", and I used to tell my friends, "What Poona thinks today, India will think tomorrow." I visited Poona very

often during the days of the Simon Commission, during Ganapati festivals, and I remember I also delivered one of the city's annual spring lectures. I have been out of touch with Poona for a long time now, but I have no doubt whatever that Poona has kept up its fine traditions.

I must record an incident which took place when I visited Poona to deliver the lecture on "Separate Electorates". Both Mrs. Naidu and I were staying in the quarters of the Servants of India Society, and I went and saw the room in which Gokhale used to work, and which was then kept in the same condition as it was when he died. I remember I was getting ready to leave, when Mrs. Naidu who was in the next room suddenly shouted, "Chagla, I am in the throes of creation". I did not quite understand what it was that she was about to create, but she came out with a poem which she had composed on the spot, which she recited to me. It was as good as any of her other poems. I asked her to give me a copy of it. The answer to this was that I should try and immediately put down from memory what I had heard, because the poem she had composed might not remain even in her own mind, and once it was lost it would be difficult for her to reconstruct it. I begged of her to write down to the best of her recollection what she had just recited and fortunately she obliged me; and I think the poem is still somewhere in my papers.

I attended a session of the Muslim League in Aligarh, where also the Silver Jubilee of the Muslim Education Conference was being celebrated. Sir Abdul Rahim presided over the Muslim League meeting. I was then acting as a special correspondent of the *Indian Daily Mail* of which C. Y. Chintamani was the editor. In my despatches from Aligarh, and from the impressions I gave on my return to Bombay, I made it clear that Sir Abdul Rahim had made a rabid communal speech, and but for Jinnah's intervention the resolution that we passed would have been of a highly communal nature. I said it was a fight between religious fanaticism represented by Sir Abdul Rahim and orthodox Muslim opinion on the one hand, and Jinnah representing the nationalist and modern point of view on the other. In an article I wrote in the *Bombay Chronicle* on July 1, 1926, I said: "A solution must

be found to our difficulties, and it will be found all the sooner if every one of us realises that Hindus and Musalmans are joined in a wedlock which admits of no dissolution. It is the Hindu *sanskar* in which there is no divorce; what is worse, or is it the gift of a far-seeing providence, there is not even a judicial separation."

I constantly wrote for the *Bombay Chronicle*, which was edited by S. A. Brelvi. He would send me a note from time to time asking me to write on some particular subject. Of course, I never received any payment for it. The *Bombay Chronicle* was more or less insolvent, and poor Brelvi himself had to carry on on a very meagre editorial salary. I have rarely known a man more strongly dedicated to a cause than he. He was a staunch nationalist, and always set his face against the reactionary views of some of his co-religionists. He was a kind and simple man, and never in his life did he utter a provocative or an angry word. Chintamani was the editor of the *Indian Daily Mail* for a short time, and during his editorship I wrote often for the paper. If I am not mistaken, I did receive some payment for my contributions. Of course, the leading paper of the day was the *Times of India*, into whose columns I had no entry. With my known views, the *Times of India* would rather have published a message from the devil than a contribution from me.

When I returned to India in 1922, the Congress was in the doldrums. Gandhiji had called off the non-cooperation movement after Chauri Chaura, and there was a sharp division in the ranks of the Congress. It was thus that the Swarajya Party was born with Motilal Nehru and C. R. Das as its leaders. In 1924 when Motilal Nehru was leader of the Opposition, Jinnah, as the leader of the Independent Group, usually supported him. Jinnah at that time was strongly opposed to the formation of a Muslim party, and at Aligarh he resisted the plea made by a fairly large section that the Legislative Assembly should have a separate Muslim party, and his view prevailed. In 1926 when elections were held, Motilal Nehru and Abul Kalam Azad issued what amounted to a manifesto of the Indian National Union, which was to be open to all Indians who accepted the principle of religious liberty and adjustment

of communal relations on the basis of strict legal rights of communities and individuals.

The pledge that every member who joined this Union had to sign ran as follows: "I do hereby solemnly affirm that the only way to India's lasting prosperity and freedom lies in the realisation by all communities in India of a common united nationality and harmonious cooperation between them. My sole objective should be the good of the nation as a whole." To give effect to the ideas and principles contained in the manifesto, we formed in Bombay the Indian National party, of which I was one of the secretaries. We fought the election with Jinnah and M. R. Jayakar, among others, standing on this party's ticket, and both were elected to the Assembly. To have brought Jinnah and Jayakar together in the same party and to seek election on the same ticket was something of a feat. At that time, all minds were directed towards finding a solution to the communal problem, and of drafting a Constitution which would be acceptable to the whole country, and not to have a Constitution drawn up and imposed upon us by the British.

There was what we today would call a personal equation between Jinnah and Jayakar. They both practised in the Bombay High Court, and while Jinnah made a great success on the Original side Jayakar confined himself to the Appellate side. Although Jayakar made one or two attempts to work on the Original side, he did not succeed. Jayakar was an erudite lawyer, and argued his cases with words which were carefully chosen, and which bore the impress of a scholar. He rose to great eminence and eventually became a member of the Privy Council. In politics, Jinnah and Jayakar drifted in course of time further and further apart. Jayakar's leanings were towards the Mahasabha, and the Mahasabha was, perhaps rightly, anathema to Jinnah. Although they were elected to represent the Indian National Party, even in the Legislative Assembly Jayakar did not remain a member of the independent group which Jinnah had formed, and of which he was the leader.

I find from my papers that we held a meeting of the Committee of the Indian National Party on April 4, 1926, in Bombay over

which Dr. Annie Besant presided; and among those present were Pandit Madan Mohan Malaviya, Jinnah, the Nawab of Bhopal, Dr. Paranjpe, Pandit Kunzru, Jayakar, Chintamani and some others. With regard to the Indian National Party, I actually moved a vote of censure on Jayakar, when he joined a group led by Lala Lajpat Rai. In moving the resolution I said that there was no necessity for communal parties in the legislature, particularly as Jinnah and Jayakar had been elected on a common platform and on a common ticket. But, as it turned out, the National Party ceased to have much importance after the elections. Its early demise was hardly noticed and it passed into oblivion unsung and unwept.

The statutory commission (also called the Simon Commission, after the name of its Chairman, Sir John Simon, a British lawyer and politician), whose task was to make proposals for a future Constitution of India was not due till 1929. But everyone knew that Lord Birkenhead, who was the Secretary of State for India in 1927, would appoint a commission prior to that date so that the question might not be left to a successor government which, as it was then feared, might well be formed by the Labour Party with a more liberal policy towards India. In view of this expectation, efforts were being constantly made here in India to arrive at a communal settlement, and to determine for ourselves what the basis of our new Constitution should be. Certain proposals were put forward in Delhi in 1927 by the Muslims, which included the acceptance of joint electorates, provided Sind was separated from the then Bombay Presidency, and reforms were introduced in the North-West Frontier Province and Baluchistan.

The Hindu communal parties accepted the proposal with regard to joint electorates, but rejected the other two, incredible though it might seem. It was a folly and a blunder of the first magnitude. This was the first time that Muslims had agreed to have joint electorates. It was the chance of a lifetime, a rare unexpected opportunity for a new start on a real national political life. Today, it seems inconceivable that the separation of Sind and reforms for Baluchistan and the North-West Frontier Province should have come in the way of the acceptance of joint electorates; but in the prevailing climate of opinion at the time, these

two issues seemed to be of crucial importance. The opportunity passed for all time. Never after that did the Muslims agree to joint electorates. As time passed, the communal demands of the Muslims increased day by day, resulting ultimately in a demand for partition.

As expected, the Simon Commission was announced in November 1927, and after what seemed a long time, there appeared an almost complete unanimity of opinion in the country that the Commission should be boycotted. All parties and all communities agreed to do so. Of course, there were loyalists and rank communalists who were prepared to cooperate with the Commission; but barring these dishonourable exceptions, the country was completely united on this issue. We formed a committee in Bombay, of which I became secretary and Jinnah chairman; and, I must say, Jinnah was as firm as a rock as far as the question of the boycott of the Commission was concerned. Proposals were made that the boycott should be only political and not social. Jinnah would not agree and did not give an inch. He said a boycott was a boycott, and it must be total and complete. We held many meetings in connection with the boycott campaign. We had a mass meeting at the Chowpatty sands at which I spoke.

It was the first time I had addressed a mass meeting, and the experience was most thrilling. I remember Sir Chimanlal Setalvad, moderate as ever, jibbed at the idea of a mass meeting. He did not like masses; he preferred discussions to take place in a well-appointed drawing room with people sitting round a table, and passing resolutions. But he had to accept the decision of the committee, and for all of us it was an unusual sight to see this grave, dignified, veteran politician sitting on the dais facing lakhs of people gathered on the sands at Chowpatty. It might be explained here that there were at the time parties like the Liberals, who preferred not to bring the masses into politics, but to confine their work to the educated middle classes. They did not believe in mass agitation outside the law.

To meet the challenge of the Simon Commission, an All-Parties Conference met in Delhi in February 1928, and decided to

appoint a committee representing various parties to draft a Constitution for India. This Committee later came to be called the "Nehru Commission". The Muslim League was represented by Sir Ali Imam and Kureshi. Soon after the Commission met, Kureshi disagreed with some of the proposals which the Nehru Commission was considering; and I remember the day he came to see me in the High Court in Bombay, and told me that the Nehru Commission would come to no good, and nothing really would come out of it. I begged of him not to precipitate matters. On the contrary, we should try our best to prove to Britain that not only were we united, but were able to produce our own Constitution. As far as I remember, Kureshi ceased to have any connection with the Commission.

The Commission met at Lucknow to draft the Nehru Report. I was also invited to be present and I participated in the prolonged discussions which ultimately resulted in the publication of the Nehru Report. We were staying at Kaiser Bag and along with us were Mrs. Sarojini Naidu, Sir Tej Bahadur Sapru, Sir Ali Imam and Sir Sankaran Nair—these are the names I can remember. I think my main contribution to the Report was my steadfast adherence to the belief in joint electorates. Motilal Nehru for a moment thought, that in order to get the minorities to accept the Report, we should agree to separate electorates. I argued we were drafting a Constitution not for the present but for the future—a document which was expected to endure for a long time, and we must not therefore incorporate into it any principle which on the face of it was anti-national. Ultimately Motilal agreed, and joint electorates were accepted as one of the basic principles of ,the Nehru Report.

I remember the first evening when we sat down to dinner. Our host was the Maharaja of Mahmudabad, a prince famed for his hospitality. I believe Montagu, who was Secretary of State for India, reports in his diary that when he dined with the Maharaja of Mahmudabad he served him a dinner which had 42 courses. We were almost as liberally treated at Kaiser Bag, as Montagu was. I remember the first dinner—we started with Western food—soup, fish, meat and so on. Then came Muslim food—Murgh Mussalam, Biryani, and all the famed dishes of the

North, and finally Hindu food with puris and vegetables and then Hindu sweets. When I started I thought the dinner consisted only of the English courses, and I ate my fill. When the Muslim and Hindu dishes arrived, I could only sit and watch. Motilal Nehru and Tej Bahadur Sapru, who were relatively old men, kept pace, however, and did full justice to whatever was served at the dinner. I still remember Motilalji telling me: "Young man, how will you fight for your country if you don't know how to eat?"

The draft Report came up before an All-Parties Conference in Lucknow in August. I was there, and on behalf of the Muslim League I accepted the Report. At that time Jinnah was in England. Soon thereafter he returned and I went on board the ship which brought him to Bombay early in the morning to see him before he landed. I went to his cabin, and found him in a furious temper. He shouted at me: "What right did you have to accept the Nehru Report on behalf of the Muslim League? Who authorised you?" I told him that whatever I had done, I had done according to my lights and in the best interests of the community and the country. And I pleaded with him: "Please don't rush to the press, and issue a statement rejecting the report out of hand. Listen to what I have to say first, and then decide." After thinking for a moment he said: "All right, I will reserve judgment, and we will consider the report at a regular meeting of the League."

We had then the All-Parties Convention in Calcutta. In the Subjects Committee of the League, we sat up till about 2 a.m. discussing the Nehru Report. Jinnah was in favour of outright rejection I appealed to him that we should not reject it outright, but instead suggest amendments which might be accepted by the Convention. After a long and protracted debate, we ultimately decided to accept the Nehru Report with three important amendments. One was that separate electorates should remain, second, that there should be reservation of one-third of the seats in the Central Legislature, and third, residuary powers should be vested in the Provinces, not in the centre. The amendments were not accepted, and the result was that the All-Parties Convention ended in failure, which was something of a tragedy.

It has been said that this marked a turning-point in Jinnah's life. From a strongly nationalist position, he gradually drifted to the communal camp, which then consisted of men like the Aga Khan and Sir Mahomed Shafi. I myself do not quite accept this reading of the situation. Jinnah had nothing whatever in common with either Shafi or the Aga Khan. I remember at the Muslim League meeting in Calcutta, on the eve of the arrival of the Simon Commission, we passed a resolution boycotting the Simon Commission, and also disaffiliated the rival Muslim League, which was then meeting in Lahore under the suspices of the Aga Khan and Mahomed Shafi to support the Simon Commission.

Even as late as July 1928 Motilal Nehru issued a statement asking the Muslim League to enter into discussions regarding the amendments which it had suggested to the Nehru Report, and to try to see whether some compromise could not be achieved. I wrote to Jinnah appealing to him to meet Motital Nehru and also issued a press statement to that effect. The *Pioneer*, which was then a leading paper, wrote an editorial in its issue of July 25, 1929, captioned 'A great opportunity—Let Pandit Motilal Nehru and Jinnah meet' and congratulating me for making this suggestion. Jinnah in a letter of August 5, 1929, wrote to me: "I fear that the Hindu-Muslim question, as it is generally called, is not likely to be settled unless we all who are working for the freedom of India come to recognise it as a national problem and not a communal dispute. Unless the majority community and the leaders grasp that elementary principle and deal with it in that spirit, it will not be possible to get the minority community into line with any national programme." Therefore, as late as August 1929, Jinnah was still looking upon the communal dispute as really a national problem. Undoubtedly, Jinnah's attitude began to change from then on, though the final steps which converted him from the nationalist that he was into an unmistakable communalist came much later.

I did not approve of the rejection by the Muslim League of the Nehru Report, and I resigned from the League on that issue. I published a pamphlet called *Muslims and the Nehru Report*, and carried on propaganda both in the press and from the platform for its acceptance. I contended that, even without the

amendments, the Nehru Report was not prejudicial to the interests of the Muslim communty, and was a great document which served the national purposes of the country while safeguarding the rights of the minorities But the Nehru Report went out of the field of practical politics soon after, when the Congress passed a resolution in favour of full independence, as opposed to dominion status, at its annual session in Lahore.

I was in Lahore when the Congress met there under the presidentship of Jawaharlal Nehru and passed the famous independence resolution. I was staying with Gauba, son of Lala Harikishanlal. Gauba then had a press, and Nehru's speech was printed there. One night Gauba asked me whether I would help him in correcting the proofs of Nehru's speech. I could not quite understand how he came to be entrusted with this highly important task. He then explained to me that the speech was being printed in his press, and he wanted to do this work himself as a labour of love, and so we both sat down and corrected the proofs. A long time afterwards I told Nehru that I had seen his presidential speech before anyone else had seen it. He asked me how I had managed to do that and what magic I had used, when I told him what had happened.

There was much agitation in the country over the question of the First Round Table Conference which was to take place in London to discuss the future constitution of India. Members were nominated by the Viceroy and the Congress rightly boycotted it. But on this occasion we did not have the same unanimity in the country that we had when we decided to boycott the Simon Commission. I addressed meetings in Bombay, and made the point that people like Jinnah and others who had boycotted the Simon Commission, now inexplicably accepted a nomination from the Viceroy for the drafting of a constitution for this country under direct British auspices.

It was in December 1930, when presiding over the Muslim League at Allahabad, that Sir Mahomed Iqbal first gave public expression to the idea of a North-West Muslim State. It marked the subtle beginning of the conception of Pakistan. I immediately condemned this effusion of Sir Mahomed Iqbal, as I called it, as

highly unpatriotic and mischievous, and as likely to create an Ulster in India. I pointed out that, while in the case of Ulster the boundaries of that State more or less coincided with an area containing a majority of the Protestants, the position in India was very different. I warned that though this idea might solve the problem of the Muslim majority in Punjab, Sind and the Frontier Province, it would leave the case of the Muslims in the minority states untouched. I stated that it would be impossible to visualize the India of tomorrow as an India divided into two separate parts, a Hindu India and a Muslim India, or the people of India as divided into two separate water-tight compartments. If India was ever to realise her destiny, if she was ever to regain her freedom and her self-respect, it could only come about when communalism was completely submerged, and a constitution framed which would emphasise our common Indian nationality more than the fact or the accident that we happen to worship at different altars. I did not then realise that a time would come, and come quickly, when India, the India we today live in, would proudly sit down to draft a Constitution on the very lines I had visualized.

My breach with Jinnah had been growing since the rejection of the Nehru Report by the Muslim League and my consequent resignation from that body. That breach became complete, when eventually Jinnah accepted the idea of Pakistan and the two-nation theory. It was then clear to me that the time had come when we should have a political Muslim body which would counteract the vicious propaganda that Jinnah and his colleagues were carrying on in the country. With that idea in mind, we formed the Muslim Nationalist Party in Bombay, of which Brelvi was elected President.

Ironically enough, the first meeting of the party was held in Jinnah Hall. If I am not mistaken, Jinnah Hall had just been completed, and this was the first public meeting that was held in that Hall. Brelvi was to preside over the meeting, and I was to be the principal speaker. I went to Jinnah Hall from the High Court only to find that the Hall had been taken possession of by the Khilafatists, who were our bitter opponents. I walked up to the platform. Brelvi was already in the Chair. I held a con-

sultation with him, and we ultimately decided, that notwithstanding the trouble that might be expected, we should carry on with the meeting. But after Brelvi had spoken a few words as Chairman, the Khilafatist crowd put out the lights and made a rush for the platform, where the Muslim nationalist leaders were sitting. There was a free fight, many were injured and some of us had a narrow escape. Eventually we made our way through a side lane, which led to the Congress House, which gave us sanctuary. Although the meeting met with a lot of opposition, we were not deflected from our purpose, which was to educate the Muslim masses in the cause of nationalism. We held many meetings in Bombay and also outside, and I remember visiting Bhivandi with S. K. Patil, who of course naturally strongly supported our cause.

But one grievance about which I felt deeply arose from the indifference shown by the Congress, and even Mahatma Gandhi to the Muslim nationalists. Jinnah and his communalist following seemed all important. In comparison we counted for nothing. It was Gandhiji who gave Jinnah the appellation of Quaid-e-Azam—one which Jinnah gratefully and proudly accepted. It was then assumed—I do not know what the basis of the assumption was—that the Muslim masses were behind Jinnah. I knew the affairs of the Muslim League well and I knew that its membership did not number more than a few hundred, or at most a few thousand. Its leaders, apart from Jinnah, were reactionary Nawabs and Zamindars whose only interest was to preserve their position and status in public life.

I have always felt that the real opinion of the Muslim masses was never elicited by any democratic method before agreement was arrived at regarding the partition of the country, and that the Congress had no right to assume that what Jinnah said and did was acceptable to all his co-religionists. The proper method should have been to hold a plebiscite in the whole of India to determine this issue. At least the views of the Muslims should have been ascertained by this obviously more reliable method than by merely treating Jinnah as the Quaid-e-Azam, and the Muslim League as the only representative association of the Muslims. Although publicly they praised us, in reality the Con-

gress leaders ignored and neglected Muslim nationalists for all practical purposes. If they had given us full support, I am sure we could have countered, to a considerable extent, what Jinnah was trying to propagate. At least in the earlier stages of the partition movement, a large section of the Muslims could have been won over to the cause of nationalism.

I also took an active part in denouncing the Communal Award given by Mr. Ramsay MacDonald, then Prime Minister of England. Muslim and Hindu representatives had failed to come to a settlement at the Round Table Conference in London, and Mr. MacDonald gratuitously took upon himself the burden and the responsibility of giving an award which he thought would be fair to both the communities, and which should therefore be accepted by them. I pleaded for a swadeshi award and not an award which had upon it the imprint 'Made in England'. I posed the question "What would you think of an arbitrator before whom, say X and Y appear, and the arbitrator says: I think the claim of X is unsustainable in principle, but because he insists, I must allow it." If you look at the covering letter of Mr. MacDonald, this, in effect, is what he says: "Separate electorates are vicious and bad for the country, but the Mussalmans are so determined to have them that they must get them. Now not only that. I will extend separate electorates, bad as they are, out of the generosity of my heart, to communities who have never asked for them." On this alone any impartial tribunal in the world would set aside this award as an error apparent on the face of the record, or even on grounds of legal misconduct on the part of the arbitrator.

I presided over a meeting in Bombay to condemn aerial bombing by the Government of frontier villages. I drew attention to the resolution that had been passed at the Disarmament Conference recommending putting a stop to aerial bombardment as a weapon and method of warfare, but I added sarcastically that perhaps that resolution only applied to bombing of civilised people, and Pathans were not civilised, and therefore they could not claim any immunity from aerial bombing. I condemned Britain as baby-killers. I asked: "Haven't the Pathans any babies? Does a Pathan mother feel less anguish than an English mother if

something happens to her child? Does a Pathan feel less bitter when he finds his little hut and all his possessions destroyed for no fault of his than the average Englishman when a bomb from a German plane falls on his house?" A resolution was unanimously carried at this meeting, protesting against the Government sending a military expedition against the tribes of the North-West Frontier Province of India, and emphatically condemning aerial bombing and shelling by batteries of peaceful abodes of unarmed and defenceless people

In December 1931 Jinnah left India for England and the Muslim Students' Union gave him an 'At Home' to wish him *bon voyage*. I had been intimately connected with this Union, and Jinnah had been its President for a long time. It represented the young nationalist Muslims who followed the lead of Jinnah—Jinnah as he was in his earlier career, an embodiment of nationalism and an ambassador of Hindu-Muslim unity. At this 'At Home' he made a speech which compelled me later to issue a statement to the press condemning it in no uncertain terms. Jinnah was supposed to be leaving India for good and settling down in England, and I said:

"It was sad to reflect that on the eve of his final departure from India, Mr. Jinnah's last political will and testament should contain nothing better and nothing more ennobling than an unabashed appeal to the worst passions of his co-religionists. Mr. Jinnah was once the beloved of the student world, and during his exile from the land of his birth, the young men wanted a more inspiring message with which to cherish his memory than an aggressive and emphatic claim for communal rights and safeguards. In season and out of season, with the monotony and regularity of clockwork, Mr. Jinnah keeps repeating Swaraj cannot be won without communal unity. But what does Mr. Jinnah do to remove the ill-will and the discord between the Hindus and the Musalmans which is sapping the strength of our nation, and which makes our claim for self-government sound as a hollow mockery? He deliberately aggravates the disease which he is most anxious to heal. The wisdom of Solomon is nothing compared to that of Mr. Jinnah,

and with a linguistic flourish he has damned the whole Hindu community as a community of fools."

Jinnah, of course, did not remain in England permanently as planned. He did not succeed in his practice in the Privy Council as he had expected, for, as I have pointed out, he was essentially more of an advocate than a lawyer; and in the Privy Council one requires more than a strong personality and the wiles of persuasive advocacy. He returned to India in 1934, and I thought he had come back in a chastened mood. The Muslim Students' Union gave him a warm welcome home and a meeting was held at the Blavatsky Lodge over which again I presided. Jinnah said: "Believe me, there is nothing dearer to my heart, nothing that I love more than being able to render some service to my country, my motherland. But what can be done if the country is so hopelessly divided? I have not yet seen light, and of course I have been here only for a fortnight and it is not possible that I can see light." He repeated that unless we attained unity, there was no hope for India, and the British Raj must control the essential departments of Government in the country.

In my remarks I offered a solution to Jinnah's difficulties. I invited him to take a plunge in the public life of the country; and just as he had laid the foundation of Hindu-Muslim unity some years ago when he invited the Muslim League to hold a session in Bombay along with the Congress, and had played a prominent part at the historic Lucknow pact, he should at this juncture work whole-heartedly to consolidate the national elements in the country. There were many Hindus and Muslims in the country who were thoroughly non-communal, and who wanted Jinnah to organise them into a strong party. I also appealed to him to recapture his position as a tribune of the people, and I assured him that there were a sufficient number of men who were only too willing to follow his lead.

I remember a conversation he had with me in the High Court Bar Library about this time. He asked me to work with him to revive the Muslim League. I told him that that was impossible and that what we should really work for was a united party of both Hindus and Muslims, which would function as a centre party

between the Congress and the Mahasabha. He knew he had a large non-Muslim following in Bombay, and there would be no difficulty in organising such a party. I asked him what men he thought there were in Bombay who would help him to revive the Muslim League. Jinnah replied that I was an idealist while he, for his part, must work with such material as he had. It then became clear to me that he had made up his mind to take his stand on a communal platform and to revive his leadership through communal means and methods.

Soon after, I received an invitation to attend a meeting of the council of the All-India Muslim League. I telegraphically replied: "Regret, cannot attend League can only be revived by appealing to nationalist Muslim sentiment, and by completely breaking away from the Muslim Conference. Scrap 14 points, and start on a clean slate discussing with Hindus national sentiments which will replace communal award." The reference to the Muslim Conference was to a body made up of rabidly communal elements and the 14 points were the points which Jinnah had put forward as the basis of settlement at one of the meetings of the League on the analogy of President Wilson's famous 14 points.

In view of the elections then impending, Mr. Jinnah announced the formation of a Muslim League Party to fight the election and followed this up by issuing an election manifesto. I was asked to give my views in an interview to the *Bombay Chronicle*. I stated that with due respect to Mr. Jinnah, I for one could not conceive of a Muslim League party. In a way the Muslim League was perhaps the most representative party of the Muslims. On its platform could be found on the one hand capitalists and Zamindars safely entrenched behind their position, and on the other poor but idealistic men preaching what seemed to be at the time an impossible equality. But how could one fashion a coherent party out of these contrary and contradictory elements? What was there in common between a Muslim Zamindar and a poor Muslim, except that they both gave praise to Allah and believed in Dominion Status? I said that a party manifesto must be a fighting document. It must raise issues of immediate importance on which strong passions were likely to be aroused. It must embody war cries, shouting which people may go into the electoral battle. We found nothing of the

sort in this manifesto. The legislatures would not be concerned with Dominion Status, nor with the unsatisfactory nature of the Constitution. What the legislatures would be concerned with were economic issues, the principles of taxation and matters relating to social reform. These, one would expect, were the kind of issues on which parties would be divided in the legislatures.

I reminded Jinnah how, many years ago, almost in the dim past, we had formed a nationalist party in India on the eve of the elections, and how he himself was a candidate standing from that party. We fought on issues which cut across communal lines, and as I thought, we carried on a lot of useful educative propaganda among the electorates. That party, I reminded him, was constituted of men of all sections, and we held meetings where Hindu and Muslim candidates spoke from the same platform. I put it to Jinnah that if he so willed, he could create a party which included all the advanced nationalist elements in the country. We had been going through times of such political uncertainty that a suitable party with a firm and inspired leader, and a programme which was patriotic without being pyro-technical, would rally large sections of the people in the country to our cause.

In conclusion I said that I entirely agreed with Jinnah that the Musalmans had got to be organised, but I did not like to see them organised as a separate political unit. True, they must be organised educationally and economically; but politically, they must join hands with members of the other communities who held the same political views as themselves. But it is now a matter of history that my views fell on deaf ears, and the election was ultimately fought by Jinnah on the Muslim League ticket, with the League organised as a political party.

When the Congress decided to give up office and resign from the Legislature in 1939, Jinnah issued a statement calling upon the Muslims of India to observe Friday, December 22, 1939, as the day of deliverance. I was naturally shocked and pained at such a move. I stated publicly that when I read of deliverance I thought that the British Government had repented of its sins and misdeeds and had overnight conferred freedom on India and that Jinnah, the erstwhile champion of India's freedom, wanted us all to join

in the song of India's victory. How could members of the League, I asked, tolerate a statement from their accredited leader, gloating over the failure of democracy and the triumph of alien autocratic rule? How could they sit quietly and see the country, which they were pledged to liberate, torn to pieces by the sort of tactics which Jinnah proposed in the statement, and why did Jinnah drag God into the controversy? I should have thought one prayed to God with humility and love in one's heart, and sought light from Him. But love and humility and Jinnah were things apart, and as regards light, Jinnah had never needed it. The God of the Muslims has always held up before the people the ideal of freedom, of human dignity and the equality of man. He has never asked his people to glory in their subjection or servitude. Would it not have been better if Jinnah had kept the political controversy in which he was at present indulging on a worldly plane? I concluded: "I am not one of Mr. Jinnah's followers, and if his appeal had been made to them, perhaps I would have said nothing. But when he chooses to appeal to the Musalmans of India, I think it is my duty to protest against this insult to the principles and tenets of Islam."

Then came the notorious Pakistan resolution of 1940, passed by the Muslim League. I said that Jinnah's presidential address to the All-India Muslim League and the resolution passed by the League had created both consternation and grief in the minds of all those Muslims who looked upon India as their motherland, and who were proud to be part and parcel of the great Indian nation. It was indeed difficult to understand how and why India, which was one country, and the people of India who constituted one nation till then, should have undergone a sudden transformation in Jinnah's mind with one country becoming a sub-continent and one nation becoming two separate nations. Even the misdeeds of the Congress were not sufficient to explain this cataclysmic change. I further stated: "It is nothing less than a declaration of political bankruptcy to suggest that Muslim rights can only be safeguarded by the creation of a separate Muslim State. It is equally mischievous to suggest that Muslims need a homeland. The whole of India is our homeland, and not just any part of it," and I concluded, "there is enough hatred and disunity in this world. Europe at present is paying a terrible price for it. Does Mr. Jinnah want to

add to this volume of hatred and disunity? Does he seriously think that Hindus and Musalmans will come closer together after being partitioned into separate States? The strength of India lies in her unity and in the wonderful natural frontiers a kind Providence has given her. Let us not shatter that unity and make two States where God intended there should be one."

The prophecy I had made in 1940 unfortunately came true. The creation of a homeland for Muslims in Pakistan, far from bringing about amity and goodwill has led to three wars, and a growing hatred on the part of Pakistan for India and everything Indian. With regard to the Muslims—and there are no less than 60 million who are left behind in India—they have developed an inferiority complex, arising from the fact that some of the ablest and most brilliant Muslims left India for Pakistan. Jinnah solved neither the problem of Muslim majority States nor the problem of the States where the Muslims were in a minority. His only achievement lay, as I said, in creating disunity and hatred and in the break-up of a great country which could have developed into one of the most progressive and prosperous countries in the world.

After the rejection of the Nehru Report by the League, my resignation from that body and the starting of the Muslim Nationalist Party in Bombay, and finally the enunciation by Jinnah of the two-nation theory, my break with Jinnah was complete and irreparable. I never met him again and had no relations with him. Although I had been closely associated with him and had been on the most intimate terms for about eight years, Jinnah did not believe in maintaining any personal relations divorced from politics. As I have said before, Jinnah had no personal or human side to his character. He did not believe in friendship or in human contacts. He was highly egocentric, interested only in himself, and in politics only to the extent that it furthered his own personal ambition and gave him a sense of grandeur. The arrogance which increased day by day became insufferable when he began to look on himself as the Quaid-e-Azam of all the Muslims in the sub-continent.

On April 22, 1936, I received a circular letter from Jawaharlal Nehru which proposed the starting of a civil liberties movement

in the country. The letter said that at no time since the Revolt of 1857 had civil liberties in India been suppressed to the extent that they were at the time. It was manifest that real political life and even social and personal life were very seriously interfered with by this suppression. Jawaharlal went on to say that the existence of civil liberties was generally considered to be essential for the development of every kind of national activity—political, social, cultural, economic. He, therefore, proposed to start an Indian civil liberties movement, the sole function of which would be the protection of civil liberties in all departments of national activity. It should be open to all individuals who believed in this fundamental proposition, and it should therefore avoid any entanglement with any other political or economic issues. Jawaharlal further stated that he was addressing this letter also to friends who were not connected with the Congress organisation, and he trusted that it would be possible to build up with the help and cooperation of all a non-party, non-sectarian union of the kind he had outlined. He hoped that he could count on everyone's cooperation in this important national work.

I had no hesitation in giving him my full support. I remember we held a meeting in Bombay to inaugurate the Bombay branch of the civil liberties movement. I presided over the meeting and Jawaharlal Nehru inaugurated what we had decided to call the Civil Liberties Union. It was an enthusiastic, crowded meeting, and we launched the Union under the best possible auspices. But unfortunately, as happens with so many associations and organisations this particular Union was still-born because, in view of more important national issues that were coming up before the country, the purpose and function of this organisation was soon lost sight of.

I do not know even now whether the Union we started still exists, and if it does, whether it is doing anything to protect the civil liberties of the country at the moment. In the preface to my book on *Law, Liberty and Life,* this is what I stated: "I remember many years ago Pandit Jawaharlal Nehru, our Prime Minister, and myself appearing on the same platform in Bombay to inaugurate the Civil Liberties Union. I think we both made

strong speeches; naturally, as we were fancy free and the responsibility of office had not made us realise the difference between the theoretical and the practical, between the ideal and what is possible to realise in this imperfect world. I do not know about Panditji, but I certainly did not have the prophetic vision which gave me any indication of what role I would be called upon to play in connection with civil liberties. The meeting in Bombay would undoubtedly have been considerably enlivened if it had been told that a day would come when Panditji would be the head of a Government which would be passing laws curtailing civil liberties for security reasons, and it would be my duty to define the limits and boundaries beyond which the State could not abridge the freedom of the individual." I wrote this preface when I was the Chief Justice of Bombay.

Talking of meetings which Jawaharlal Nehru addressed in Bombay, I remember another occasion when I presided over a function which set in motion the First Mobile Ambulance which was intended to go round different villages outside Bombay, and render medical assistance to the sick on the spot. My friend, Purushottam Tricumdas, was responsible for this movement, which has now gathered tremendous momentum. I remember after the speeches were over, we went to the place where the ambulance was standing. Panditji was supposed to cut a ribbon. A large crowd surged behind him to see him perform the ceremony. This was the first time I had witnessed the show of temper of which Jawaharlal was capable, and which he exhibited on several other occasions. He turned upon the crowd and shouted: "You should not rush; you should have discipline. When you are free you will not be able to govern this country, unless we are well disciplined." I intervened on behalf of the crowd, and reminded Panditji that after all, this showed his popularity, and the people were only anxious to have his *darshan*.

There were certain sad and tragic events which happened during this period in Bombay, with regard to which I played a fairly important role. These were the communal riots, which tarnished the fair reputation of the city of Bombay. Bombay is noted for its cosmopolitan character. It is perhaps the most cosmopolitan city in India, and people of different communities

work together meet, have social contacts, without any consciousness that they belong to different communities or to different religions. What were the causes of the riots which were taking place not only in Bombay but in other parts of India at the time? I had an opportunity of studying these riots at close quarters in Bombay, because as soon as the riots started we set up a Peace Committee under the Mayor and I was a member. This Peace Committee did its utmost to stop these riots as quickly as it could. To my mind, riots generally start with something being done by the members of one community to which strong exception is taken by members of the other community. There is soon a fracas, sometimes serious and sometimes insignificant, and the matter would end there and then, if the police were to appear immediately on the scene and arrest the lawbreakers, whichever community they belonged to. But the police are always late in coming to the scene of trouble. In the meantime the anti-social elements get their opportunity. They join in the fray in large numbers, and what would have been a solitary episode becomes a regular riot, and the flames spread all over the city. Passions are roused, and these passions are vented in assaults and even murders of innocent members of the other community. Very often political parties then seek to take advantage of what has happened instead of impartially condemning both sides for breaking the law and committing a breach of the peace. Thus a solitary incident assumes the proportions of a Hindu-Muslim conflict and is quoted as evidence of basic Hindu-Muslim antagonism.

The Peace Committee would sit in the Corporation Hall, and we would send members of the Committee immediately to any spot where trouble was reported. Members of the Committee usually succeeded in pacifying the crowd and restoring peace. We would also insist on the police rounding up the goondas and all the anti-social elements in the area. It must be remembered that the police maintain a fairly full list of 'undesirable' people living in the city, and if only they were to act with proper despatch and temporarily lock up all such people, much of the trouble could be averted. It was also our practice to see the Police Commissioner, and if necessary, the Home Minister and put before

them what we thought were the proper measures that should be taken to quell the riots.

Very often we used to drive in trucks, (of course unarmed) through affected localities, shouting slogans of Hindu-Muslim unity and brotherhood. I remember an incident which took place during one such visit to a disturbed locality. Someone rushed out from the road-side with a heavy bamboo stick, and aimed what looked like a hefty blow at me. If that blow had fallen on my head, I would not be writing this autobiography today. Fortunately for me, the blow fell on the head of my neighbour, who was a Sikh and had on him a turban. The force of the blow was lost among the thick folds of that magnificent turban, and I turned to my friend and told him that I owed my life that day to him, or rather to the turban on his head.

I hope I am not being unfair but I had a distinct feeling that the Government was not really serious in its intention to put down these riots as quickly as it could. It had the necessary power at its disposal. On the other hand, whenever the Government wanted to take action against any section of the people for political reasons, it acted with efficiency and speed. But here was something in which the Government did not betray any great interest. Or was it actually interested in having a communal riot in Bombay? I remember there was a riot in Bombay when K. M. Munshi was the Home Minister and another when Morarji Desai was the Home Minister and both of them suppressed the riots in a day or two.

Another incident to which I should refer is Carter's case. It was not merely a legal matter but one that had serious political overtones. At the time of the Simon Commission boycott, a procession of students was marching through one of the streets of Bombay and a police Sergeant named Carter assaulted two members of the procession—one of whom was the well-known young nationalist and social leader Yusuf Meherali. These two persons had Sergeant Carter prosecuted for assault. The matter came before a Presidency Magistrate, Mr. Pandit. Mr. Pandit, after hearing the evidence, convicted Sergeant Carter and passed sentence on him. Sergeant Carter came in revision before Mr.

Justice Mirza and Mr. Justice Patkar. They constituted the bench which was dealing with criminal cases during the particular term. This bench did not issue a rule, but strangely enough asked the Magistrate's court to forward the record of the case to the High Court.

This revisional application should have been ordinarily disposed of by Justice Mirza and Justice Patkar, but this did not happen. Sir Amberson Marten, who was then the Chief Justice, had taken what certainly was a most extraordinary step. He withdrew the case from this bench, constituted a special bench consisting of himself and Mr. Justice Kemp, and acquitted Sergeant Carter The whole incident caused a great deal of indignation at the Bar The motive behind the procedure was evident, the sole object being to acquit Sergeant Carter, and to condemn the Simon boycott agitation. Sir Amberson Marten could not trust the two Indian judges to deal with the matter, but had to have an English bench to handle a petty case of assault.

Purushottam Tricumdas and I used to be on the editorial board of the *Bombay Law Journal* which was edited by B. G. Kher, who afterwards became Chief Minister of Bombay, and one Mr. Pandya who was well known for his work in the field of legal aid. I wrote an article for publication in the journal in which I strongly condemned what Sir Amberson Marten had done. I pointed out that, apart from an extraordinary action on the part of the Chief Justice of Bombay in constituting an English Bench, the Bench had done a number of things which were contrary to the accepted principles of Criminal Law. This was a revisional application, and normally the High Court does not go into the evidence, or re-appreciate evidence in revision. It only interferes when a question of law is involved, or when there is a question of jurisdiction But this Learned Bench actually went into the evidence, and came to the conclusion that the evidence had not been properly appreciated by the Presidency Magistrate. In other words, the Court of Appeal acted as a Court of fact, and substituted its own appreciation of evidence for that of the Magistrate.

Another curious feature of this hearing was that no one

appeared for the Crown to support the conviction. As I pointed out, if the Courts of Law are above partisan politics, much more so should be the Crown. Whether Sergeant Carter was a police officer or not, he was in no better position than any other accused, having been convicted by a judicial officer of the Crown after a trial conducted according to law. Why did the Legal Advisers to the Crown not discharge their duty by appearing before the Court, and assisting it in coming to a right decision? The worst feature of the hearing was the concurrent judgment given by Mr. Justice Kemp. He read a long homily to the students. I strongly condemned Justice Kemp's remark that the conduct of the students hardly showed any evidence of respectability or of education.

I asked His Lordship to look beyond the law report and the legal text-book, and see for himself what was happening in countries like Egypt, and even European countries like Spain. If he did so, I said, he would realise the manifestly unjust and gratuitously offensive remarks he had made. Unfortunately this article was never published. Both Kher and Pandya thought that it might constitute contempt of court. I said I was prepared to take the responsibility. It was a signed article and if I were sent to jail for it, I would have the satisfaction of suffering in a just cause. But Kher and Pandya, who were very careful and conscientious editors, were not prepared to take the risk of any legal action against the journal. The result was that both myself and Purushottam, who were on the Editorial Board of that Journal, resigned and the matter ended there.

Almost, but not quite, because I remember Sir Amberson Marten once sending for me in his chamber, and telling me that I was a young man who was doing well, and that I had a great future. I should not therefore involve myself in anti-government politics like the boycott of the Simon Commission. I told him that I felt flattered by his remarks about my future, but he, having been at the Bar, would appreciate the fact that there is nothing which a member of the Bar values more than his independence and his right to express any views which he might hold.

The Chief Justice was not particularly pleased with my

attitude, and I must add that he took his revenge on me later. I had been professor at the Law College for three years, and the Principal proposed an extension of one year on the ground that I had done very well as professor. As I came to know later, Sir Amberson Marten, who did not normally depart from the view of the Law College Board which recommends names for professorship, wrote a private letter to Hotson, who was Home Member, asking him not to re-appoint me because of my political views. And I received a letter from Hotson to the effect that unless I gave an undertaking that I would abandon political activities, I would not be re-appointed. The matter was very serious for me because one year's extension would have made it possible for me to hold on at the Bar, which I might have to give up without the monthly salary of about Rs. 350 which the professorship carried.

I consulted Sir Chimanlal Setalvad and I told him that Dr. B. R. Ambedkar, who was also a professor along with me at the Law College and whose term was also recommended for extension, was expected to be re-appointed, although he also took part in politics as I did. But the difference was that Dr. Ambedkar's politics were pro-Government and agreeable to its way of thinking; mine, however, were anti-Government and hostile to its policy. So I drafted a letter to Hotson, which was vetted by Sir Chimanlal Setalvad, pointing out first that, as I was a part-time professor, I was not bound by the government rules, and I had therefore every right to take part in politics. I added that, if the Government took a contrary view, the same principle should apply to Dr. Ambedkar. I must say in fairness to Hotson that he did not re-appoint me, but he also did not re-appoint Ambedkar. In a way I was sorry that I was responsible for Ambedkar's losing his job along with me.

I have just made a reference to Yusuf Meherali and Dr. Ambedkar, and I think I should say something about each of them. Meherali was a student of mine at the Law College. While still at College, he took a leading part in student activities and all progressive movements. He was one of the staunchest nationalists I have known, and later on he became a pillar of the Socialist Party. He was completely free from any taint of com-

munalism. His early death was a great loss to the cause of the youth movement, to the cause of nationalism, and also to the cause of socialism.

Dr. Ambedkar was, if I might put it that way, quite a different proposition. We were called to the Bar on the same day, and we practised together in the High Court. He was wholly on the Appellate side, and had very little work. He was an extremely able man, deeply read in politics and political science, and knew the principles of Constitution-making and also of good government. But he had a chip on his shoulder, occasioned probably by the fact that he never forgot that he was a Harijan. There was no doubt in his mind that the whole community was atrociously treated by the caste Hindus and he, in particular, did not get what he deserved merely because he was a Harijan. There was considerable justification for the bitterness that he felt.

I have always had strong views about untouchability. I think, for hundreds of years, we all of us, not just the caste Hindus, treated the untouchables as outcastes, as though they did not belong to the human family, and were not entitled to ordinary human rights or privileges. There is a lot we have to do to make full amends for the injustice that we have done to them. I remember Ambedkar coming to me one day with the proposition that the untouchables should embrace Islam because they would never get justice at the hands of the Hindus. I was shocked and surprised at the proposal. I told him that I did not believe in conversion—neither forcible conversion nor conversion for what may be called reasons of convenience. The only conversion which I would countenance would be one that is born out of spiritual compulsion, which made one feel that one's proper place was in some other religion. I told him that I did not personally believe in religion myself but I thought that ordinarily one should continue to remain in the religion in which one was born, whether one believed in its tenets or not. It is only strong spiritual convictions that should compel a person to leave the religion of his forefathers. To me all religions were alike, and it made no difference to me whether I belonged to one religion or to another. All religions taught the same moral principles, to do good and to be kind and compassionate to fellow human beings.

Ambedkar was not convinced by this highly abstract reasoning, and went away disappointed. It will be remembered that later on he advised mass conversion of Harijans to Buddhism. Many thousands changed their religion, but the overwhelming majority of Harijans continued to remain rightly in the Hindu fold. I had also told Ambedkar that Gandhiji was putting up a brave fight to remove untouchability, and he should have faith in the Congress being ultimately able to bring justice to his people. But he had no faith either in Gandhiji or in the Congress, at least at that time As we know, history proved that he was wrong, at any rate in a purely personal sense, for he became a Law Member in the Viceroy's Executive Council and ultimately stood out as one of the more important among the architects of our Constitution. What is just as noteworthy, he also married a Brahmin woman, thereby giving a practical demonstration of the possibilities of integration between Harijans and high-caste Hindus.

I had very little experience of elections at the time. The election in which I worked for Jinnah, when he stood on the Indian National Party ticket, was nothing compared with the hurly-burly of present-day electioneering. We left all the canvassing to friends and supporters, while we only talked to the top people, and saw to the organisation of the propaganda machinery. But I realised how arduous and also how tedious electioneering proper could be when I persuaded my friend, Vasant Velinker, to stand for the Bombay Municipal Corporation. This was in 1930. He had been living in Bombay for about seven years; but he had hardly done anything at the Bar. And having been born with a golden spoon in his mouth, something that could on occasion be a misfortune, he did not feel called upon to do anything to earn his living. He had ability and talents, and I was very sorry to see that he was not utilising them to any useful purpose. I felt, as a friend, that it was my duty to pull him out of his lethargy and make him do something worthwhile both for himself and for the city.

I, therefore, suggested that Vasant should stand for the Municipal Corporation. Then I talked to his father about it, and after some persuasion, they both agreed. Vasant stood as a candidate from Dadar constituency when the next election came round. I

went about with him in his election campaigns. I had never before endured a more dreary and burdensome task than the one I had undertaken. We went systematically from house to house, and shop to shop, asking the persons there to vote for Mr. Vasant Velinker. Of course, everybody said "yes" when we called but I do not know how many of those who said "yes" ultimately voted for him. But to trudge from street to street in the hot sun, to knock at every door and sit down and explain patiently why the man should vote in a particular way was a job which took all the energy that I possessed. My only consolation was that Vasant did eventually get elected, and that he spent many years in the Corporation doing very useful work for the city and bringing new amenities and benefits to the citizens. I felt all my troubles and labours had at last borne fruit when the Corporation gave him a reception after he had completed 25 years of service to that body, and I, as Chief Justice, was asked to preside over that function.

The Bombay Municipal Corporation has been a fine training ground for most of our outstanding public men. Sir Pherozeshah Mehta, Sir Chimanlal Setalvad, Sir Ibrahim Rahimtoola, Sir Dinshaw Vacha, Sir Homi Mody, Sir Chunilal Mehta and a host of others all started their public career in the Municipal Corporation before they stepped on to the wider national stage. One remembers the career of a British Minister, Joseph Chamberlain, who first made a great name in the local politics of Birmingham before he became a national leader. I am sorry to see how few intellectuals today take a real interest in the work of the Municipal Corporation. It has become merely a battle-ground of party politics, and members hardly seem to be aware of the great traditions which they have inherited from the past.

There is one story which I must relate about Jinnah's election, to which I have already referred. Jinnah and I were at the Town Hall, where one of the two polling stations was located, the other being at Umerkhadi. There was a lunch interval between one and two in the afternoon. Just before one o'clock Mrs. Jinnah drove up to the Town Hall in Jinnah's luxurious limousine, stepped out with a tiffin basket, and coming up the steps of the Town Hall, said to Jinnah: "J"!—that is how she called him—"guess what I

have brought for you for lunch." Jinnah answered: "How should I know?" and she replied: "I have brought you some lovely ham sandwiches." Jinnah, startled, exclaimed: "My God! What have you done? Do you want me to lose my election? Do you realise I am standing from a Muslim separate electorate seat, and if my voters were to learn that I am going to eat ham sandwiches for lunch, do you think I have a ghost of a chance of being elected?"

At this, Mrs. Jinnah's face fell. She quickly took back the tiffin basket, ran down the steps, and drove away. Then Jinnah turned to me and said: "Let us go and get something to eat somewhere." We decided to go to Cornaglia's, which was a very well-known restaurant in Bombay, not far from the Town Hall. We sat down, and Jinnah asked me what I would like to have. I said: "I will have some coffee." He then added, "What would you like to eat?" I remarked that they had some very good pork sausages there, so Jinnah ordered two cups of coffee, a plate of pastry and a plate of pork sausages.

Jinnah had left word at the Town Hall that if anyone should come with reports from Umerkhadi about the election, he should be directed to come to Cornaglia's. As we were drinking our coffee and enjoying our sausages, in came an old, bearded Muslim with a young boy of about ten years of age, probably his grandson. They came and sat down near Jinnah. It was obvious that they had been directed from the Town Hall. Jinnah inquired how the election was going in Umerkhadi and also politely asked whether they would like to have something to drink. The old man asked for a cup of tea and the boy for a soft drink. These were promptly ordered and served. I then saw the boy's hand reaching out slowly but irresistibly towards the plate of pork sausages. After some hesitation, he picked up one, put it in his mouth, munched it and seemed to enjoy it tremendously. I watched this uneasily, in a state of mind compounded partly of fascination and partly consternation. After some time they left and Jinnah turned to me, and said angrily: "Chagla, you should be ashamed of yourself." I said: "What did I do?" Jinnah asked: "How dare you allow the young boy eat pork sausages?" I said: "Look, Jinnah, I had to use all my mental faculties at top speed to come to a quick decision. The question was: should I let Jinnah

lose his election or should I let the boy go to eternal damnation? And I decided in your favour."

Here I must say a word about Mrs. Jinnah. She was a real nationalist, and kept Jinnah on the right track so long as she was alive. Mrs. Jinnah had also a sense of humour, of which Jinnah was completely innocent, and with her humour she often brought down Jinnah a peg or two whenever he showed a disposition to mount one of his familiar pontifical heights. After her death, Jinnah's sole companion at home was his sister, Fatima, who was even more communal-minded, and partly responsible for the transformation brought about in Jinnah subsequently. I have reason for thinking that Jinnah rehearsed his speeches before her, though she probably never felt as Queen Victoria did about Gladstone, when she said of him that he treated her as though she was a public meeting. She enjoyed Jinnah's diatribes against the Hindus, and if anything, injected an extra dose of venom into them.

The story about Jinnah's marriage is extremely interesting, and I do believe it is authentic. Sir Dinshaw Petit and Jinnah were great friends, and the former was very fond of the latter and admired his stout-hearted nationalism and also his impressive personality. Once Sir Dinshaw invited Jinnah to spend his holidays with him in Darjeeling. Ruttie, the future Mrs. Jinnah, was also there, and Jinnah and she came into close contact, and decided to get married. Jinnah then went to Sir Dinshaw and asked him what his views were about inter-communal marriages. Sir Dinshaw, fully off his guard, expressed his emphatic opinion that it would considerably help national integration and might ultimately prove to be the final solution to inter-communal antagonism. Thereupon Jinnah calmly told him that he wanted to marry his daughter. Sir Dinshaw was taken aback. He had not realised that his remarks might have serious personal repurcussions. He was most indignant, and refused to countenance any such idea which appeared to him absurd and fantastic.

There was strenuous opposition to the marriage. There was also some litigation in court, the main objection being the disparity in age between the two persons concerned and also the fact that

Jinnah wanted to convert Ruttie to Islam before marrying her. But both Jinnah and Ruttie were adamant, and the marriage took place. Sir Dinshaw never forgave his daughter, never saw her again; and even when she died, he refused to attend the funeral or even to see the body. There is a curious sequel to all this.

Jinnah had only one daughter, and this story also, I have reason to believe, is true. She wanted to marry a Parsi belonging to a distinguished family. She asked her father's consent to the marriage. Jinnah, in his usual imperious manner, told her that there were millions of Muslim boys in India and she could have anyone she chose. Then the young lady, who was more than a match for her father, replied: "Father, there were millions of Muslim girls in India. Why did you not marry one of them?" to which, of course, Jinnah could have no answer.

Jinnah's marriage, unfortunately, was an unhappy failure as might have been expected. Ruttie had married Jinnah because of the glamour of his personality, and there was nothing in common between them. In temperament they were poles apart. Jinnah used to pore over his briefs every day, and what little time he had to spare was given to politics. Ruttie, as a young woman, was fond of life and of the frivolities of youth. They gradually drifted from each other. But I must say in fairness to Jinnah that no husband could have treated his wife more generously than he did, although she supplied him the greatest provocation throughout their married life.

I remember her walking into Jinnah's chambers while we were in the midst of a conference, dressed in a manner which would be called fast even by modern standards, perch herself upon Jinnah's table, dangling her feet, and waiting for Jinnah to finish the conference so that they could leave together. Jinnah never uttered a word of protest, and carried on with his work as if she were not there at all. One can well imagine how the patience of a man of Jinnah's temper must have been taxed.

I also remember a Muslim League meeting in the Globe Cinema in Bombay when Jinnah was the President of the League and I was the Secretary. I was in the hall early as I had to look after the arrangements, and in walked Ruttie, dressed in the manner I have

just described, up to the platform where she took her seat. The hall was full of bearded Moulvies and Maulanas and they came to me in great indignation, and asked me who that woman was. They demanded that she should be asked to leave, as the clothes she flaunted constituted an offence to Islamic eyes. I told them that they should shut their eyes as the lady in question was the President's wife, and I could not possibly ask her to leave the hall.

After the two had drifted apart, Ruttie often came to Mrs. Naidu's room at the Taj, as both of them were closely attached to each other. I used to meet her there, and was always enchanted by her grace, her beauty, and the uninhibited way in which she conducted herself. As I said, Jinnah treated her wonderfully well, and paid without a murmur all the bills which were necessitated by the luxurious life she led. She was for sometime in hospital in Paris, and Jinnah saw to her every comfort regardless of cost. I was present at her funeral. That was the only time when I found Jinnah betraying some shadow of human weakness: there were actually tears in his eyes. It was, indeed, a tragic sight to see someone so young and so beautiful lying in the cold embrace of death.

CHAPTER SIX

Puisne Judge

IT was in February 1941, on a Sunday, when I was sitting in the Bar Gymkhana in Kanga's Durbar, to which I have referred, that I received a telephone message that the Chief Justice, Sir John Beaumont, would like to see me. When I met him he offered me a Judgeship of the High Court. He said: "Chagla, you are doing very well at the Bar, and I am sure, you will do much better. There are always glittering prizes to look forward to at the Bar. But a time comes when one feels that it is better to decide cases, lay down the law, help the development of the law, rather than spend all your time arguing other people's cases. You will get a salary of Rs. 4,000, which, in my view, is reasonable. You will have plenty of leisure. You will have security. You will have status. Considering everything, I would press you to accept my offer." This was somewhat sudden and unexpected. I asked: "Could I have some time before I give an answer?" He told me he had to put up a fight with the Government of India for its acceptance of my nomination. The Government's contention was that my political career was pretty lurid, and there were many black marks against me. Beaumont countered this, he told me, by saying that he was not concerned with the politics of the man to whom he offered a Judgeship. He was only concerned with his potential judicial qualities. Further, he assured the Government that I could be trusted not to bring politics to the Bench.

After a prolonged tussle, the Government had agreed to accept his nomination. Beaumont went on to explain it was as yet only

February, and I would not have to go to the Bench till August 4, when Justice B. J. Wadia was to retire. He said that he made it a condition with the Government that the notification should only be issued a week before August 4, because he did not want me to remain idle between February and August as once the notification announcing my appointment was issued, I should naturally have to give up practice. I told him that I would let him know my decision in a day or two.

I discussed the matter with my wife and thought deeply over it myself. My wife pressed me to accept the offer because, she said, that as long as I stayed at the Bar, I would have no domestic life at all. I used to work till the early hours of the morning, and there was hardly any time to talk to my wife or to play with the children. The disadvantage in accepting the judgeship would be that I should have to give up public life which would, indeed, be a great wrench.

But at that time I was suffering from a sense of frustration in my political life. All my speeches, all my writings, all the propaganda I did in the cause of Hindu-Muslim unity had borne not the slightest result. The relations between the two communities had grown worse and worse. Jinnah had propounded the two-nation theory and was busy advocating the creation of Pakistan, a goal that was gradually acquiring increasing attraction for the Muslim masses. The Muslim nationalists and the Muslim Nationalist Party were in the wilderness, and nobody seemed to take any notice of either of them. Everyone was busy wooing Jinnah and trying to come to an agreement with him.

The war situation was also pretty grim. The Allied cause seemed to be almost lost, and the Fascist Powers were right on top. And although Jawaharlal Nehru wanted to support the democratic forces and fight the fascists, he could not make much headway, partly because of Gandhiji's policy of non-violence, and partly because he wanted India to support Britain on condition that Britain offered to India the chance of co-operation in the war effort on a footing of equality. All in all I came to the conclusion that there was not much that I could do by way of public service in the political field and I did not seem to have much of a political future.

Regarding the monetary side of the question, I would certainly have earned much more than Rs. 4000 a month at the Bar, as I was then only at the threshold of what promised to be a fairly successful career. But Rs. 4000 in 1941 was quite a large sum of money. I knew I had to educate my children, and maintain a status in life worthy of a judge. But frankly that aspect of the matter did not worry me much. I have never been money-minded, and the mere accumulation of wealth does not give me any special satisfaction or pleasure.

Taking everything into consideration, I thought I would accept the judgeship. It was remarkable that from February right down to a week before my appointment, the secret of my going to the Bench was very well kept. I continued with my practice, and from time to time I heard with some amusement various names mentioned as likely successors to Justice Wadia. But surprisingly enough, the one name that was never mentioned was my own. I would listen to these rumours with a careless smile, and say: "Yes, that is a possible successor." It was only a week before August 4, and a day or two before the notification was issued that I stopped accepting any briefs. I remember solicitors coming to my chamber and offering me briefs. When I declined, they would ask me whether I was busy in any other court. I replied truthfully enough: "No, I am perfectly free." Then they would go on to ask: "Why are you not accepting these briefs then?" I would say: "I belong to a free and independent profession, and my present inclination is not to work for a few days."

It was only then that it gradually began to dawn upon the solicitors that I might be going up to the Bench. That one week before I went to the Bench, I stayed in my chamber, doing nothing, except receiving cheques for work done, and for which I had not yet been paid. I am sorry to say that the majority of solicitors were notoriously slow in the payment of fees. There was always a considerable time-lag between the work done and the receipt of payment. But once the solicitors realised that I was going to be a judge, and they would have to appear before me, the cheques came pouring in, and dues were all fully paid up. I must acknowledge in fairness to the profession of solicitors that I left the Bar for the Bench without any bad debts.

If I remember right, I began as the Chamber Judge. As Chamber Judge, I had to do miscellaneous work like dealing with Chamber summonses and notices of motion. The day before, my associate, whose function corresponds to that of a Reader in other courts, brought a pile of papers to me. I asked with some surprise: "What are these for?" He explained that they were papers concerning the cases which I would have to hear the following day and he thought I would like to go through them. I told him that if I had to read all these papers, I might as well have remained at the Bar, and earned a good deal more money by perusing and studying them. "It is the business of counsel and solicitors to tell me what they contain. My job is to decide after hearing them."

This practice of not reading papers beforehand, I followed throughout my judicial career. I think it is a mistake for a judge to go to court after studying the case that is coming up before him. Inevitably, one makes up one's mind one way or the other after having read the papers. I agree, the decision is tentative, and one might change it after hearing counsel. But it requires a very strong mind to change an opinion once formed. Besides, it is a good training for the Bar to learn to state briefly the real point at issue in these chamber matters. I have often discussed this question with the Judges of the Supreme Court, who do an immense amount of hard work by reading Special Leave Petitions the day before these are heard; and I have often appealed to them not to read these beforehand and to decide the cases only after hearing the Bar. The answer I usually got was that it would take up a lot of time, and by reading them in advance, they were saving judicial time. I entirely disagree with this point of view. It depends upon the judge himself how much time a matter should take. And if the judge can pin down the lawyer to the essential point, it would, in my opinion, take not more but rather less time, because where the judge has studied the case previously the lawyer has the far harder task of changing a mind that is already more or less made up. But if the judge came to court with an open mind, I think it would be easier, and therefore quicker, to decide one way or the other.

Very often one has the awkward feeling when arguing a

Special Leave Petition that there is an initial resistance to be overcome. One feels that the mind is already made up, and, very likely, without all aspects of the matter being considered, since no judge has the time to go through all the papers in sufficient depth. But if counsel, who has properly studied his brief, were to argue the matter before a judge who has not read the papers and is therefore open to conviction, counsel would know what are the relevant and material points that should be placed before the Court.

I believe that the administration of justice is a co-operative effort between the judge and the lawyer. It should not become a one-sided affair. There are judges who think that lawyers are superfluous. They know the law. They have studied the facts, and they can decide the question on their own. But grave injustice can be caused if such an approach were followed. Judges are there to decide after hearing counsel on both sides. But I have known judges, incredible though it may seem, who decide first, and hear counsel afterwards.

Despatch is important, but despatch at the cost of justice is a complete perversion of the judicial process. Also, expedition should not be equated with hustle. Quick disposal results from a judge's quick understanding of the point that is being argued before him, and preventing a repetition of the same argument. This can be done without rudeness or brusqueness. The judge can tell counsel courteously that he has understood his point, and if necessary, he can even formulate the point over again and put it to counsel. There are counsel who wish to convert the judge to their point of view, just as there are judges who expect counsel to agree with what they are saying. The judge is not always expected to be converted, and counsel is paid to argue his client's case, and not to accept what the judge may be putting to him.

Delay is also caused, I find, by a growing tendency of citing a large number of cases as authority. I do not know whether the judge wants to parade his deep knowledge of the law, or whether there is a certain lack of self-confidence which makes him reluctant to decide cases without the aid of authorities. Nowadays

no proposition of law seems to be acceptable unless it is propped up by some previous decision, particularly of the Supreme Court, whether relevant or not.

There would always be propositions of law which are not accepted as established. If there are half a dozen cases of the Supreme Court on the same point, one would have thought that the latest case would be sufficient, since it can normally be taken as recapitulating all the earlier decisions. But this is not how things happen. Every case must be cited from its inception, and the judge must patiently listen to such unending citations. The whole trouble arises because the judge does not always know how to control the Bar. If he can prevent repetition, and confine the Bar to the smallest necessary number of relevant cases, but without in any way hustling counsel, work would go on much more swiftly.

I find that, as I am writing this, the ex-Chief Justice of India, J. C. Shah, is presiding over a committee appointed to deal with the question of arrears in the High Courts. To my mind the solution is very simple. See that the men you appoint are the proper ones. Find judges with an alert and active mind. What is more important, pay the judges better, give them a better pension, and enforce better conditions of service. The usual solution put forward is to increase the number of judges. But if the men selected are not really competent, Parkinson's Law will come into play. The more the judges, the greater will be the load of work.

Throughout my career as a judge, I have never reserved judgment except, I think, in one case; and God knows, I have delivered hundreds of judgments. I remember the first occasion when an important point was argued by Munshi and Taraporevala on opposite sides. I hesitated for a moment, and wondered whether I should reserve judgment, or deliver the judgment straightway and whether I would be equal to the task. I said to myself: "I have delivered several speeches as a politician, but it is one thing to make a political speech; it is quite a different thing to write a judgment, laying down the law with precision and conciseness." But I thought again. If I had allowed my fear and hesitation to

prevail, I should have been lost. So I took courage in both hands, called the stenographer immediately and dictated the judgment then and there.

I cannot understand why, after a judge has heard both sides, has appreciated all aspects of the matter, has cleared his doubts by putting the right questions to counsel, he has still to think over the matter before he can decide the case one way or the other. It is much better to get the matter off your chest immediately. Your mind is full of the case, of the arguments you have heard, of all the facts that have been recited before you. Everything is fresh. Reservation of judgment very often leads to judges forgetting some of the facts, and also the arguments advanced before them How often have we been told that a point was argued in the High Court but has not been mentioned in the judgment. A further advantage is that as the judgment is being delivered in open court, any mistake or misstatement that a judge might make while delivering the judgment, can be immediately corrected by counsel in court.

I should also like to say a word about the patience or the indulgence that may be called for when a junior lawyer is arguing a case. Senior lawyers do not need protection from the court, they can look after themselves. A junior arguing his first case, or one of his early cases, needs all the sympathy and understanding that a judge can show him. He may not be able to put his point properly. The judge should overlook such deficiencies and actively help the man to formulate his points more accurately. If he has succeeded in arguing his case well, the judge should go out of his way to pay him a compliment in the judgment. Judges do not realise what a great matter of pride it can be to a junior lawyer to be complimented in a judgment. One can imagine his elation and his optimism about his future at the Bar. I have seen with regret judges accepting a proposition from a senior while brushing aside the same proposition when advanced by a junior. Looking back, one great satisfaction which I have about my life on the Bench is that I have rarely lost an opportunity of extending a helping hand to so many junior lawyers many of whom have made good and some even adorn the Bench.

I remember one of the first cases I tried on the Original side had something to do with the acquisition of telephone shares. H. M. Seervai, who is now the Advocate-General of Maharashtra, an eminent counsel and also an eminent writer, appeared in person before me. My recollection is that this was the first big case he was arguing. Against him was ranged practically the whole Bar—Coltman, Kanga, Bhulabhai, Taraporevala, indeed everyone who mattered. I looked round and said to myself: "Here is a young advocate, fighting the whole Bar, and it is my duty to give him every assistance", which I did. It is gratifying that he ultimately won. What is more, he had argued the case so well and so ably that as it turned out, it proved to be the making of him, a turning point in his career. If, on the other hand, I had treated him curtly, and listened with deference to what the lions of the Bar chose to say, I dare say Seervai would still have made good, but it might have been a longer and a more laborious struggle. For the sake of completion, I must say that my judgment was reversed by the Court of Appeal. Seervai, however, maintains to this day that I was right and the Court of Appeal was wrong!

I must have decided hundreds of cases as a puisne judge which very likely are now consigned to the limbo of single judge judgments and general oblivion. But I might be forgiven a little vanity if I recall the Cine Laboratories case where I enunciated the principle relating to commercial insolvency. Those who are in practice tell me that it is still considered a leading judgment on the subject, and I am flattered to find that Palmer in his *Company Law Precedents* also takes the same view.

When I began sitting on the Appellate side, I found that the Bar was in such disarray that, in most important cases, counsel from the Original side had to be briefed. I made up my mind to do what I could for the Appellate side by helping deserving juniors. Men like Tarkunde, H. R. Gokhale, Chandrachud and several others, I found to be extremely able, but they needed encouragement which I gave in full measure. Tarkunde became a Judge of the High Court; Gokhale also went to the Bench, and is now the Law Minister in the Union Cabinet; and Chandrachud has become a Judge of the Supreme Court. I hope I will be for-

given, but I do not mention other names only because there are so many of them.

Discourtesy to the Bar is essentially evidence of weakness in the judge. Losing one's temper while counsel is arguing is a reflection only of the judge's own failing and his inability to control the Bar. One thing I always tried to keep uppermost in my mind was a sense of my own fallibility. I always tried to remember—whether I succeeded or not is a different matter—that truth has many facets, that every proposition of law also has many different aspects, and that the view that one takes either about facts or about law may be defective or incorrect. One must always be prepared to admit that one's own view was not, after all, the only or the correct view.

There are few legal propositions, about which much cannot be said on either side. And there are also many cases which could be decided one way or the other. That brings me to the next point that I wish to emphasise. The way a judge decides depends very often upon his background, his temperament, his ideals and his outlook on life. It is these that constitute what the great American Judge—Justice Holmes—called the "inarticulate major premise"

As I said before, when a case is evenly balanced and one has to decide one way or the other, one will tilt the balance in accordance with one's "inarticulate major premise" I must confess that in my case the "inarticulate major premise" always worked in favour of the weak, the poor and the vulnerable. Daphtary used to make a joke about this: "If you were arguing an appeal before Chagla and you had to open the appeal, provided you stated that you were appearing for a widow or a minor or a poor man, half the appeal was won." I agree that ultimately a judge has to decide according to law, and not according to his own private philosophy or inclinations. But, as I said, when you can decide a case one way or the other and still be right, justice demands that you should try to redress the balance, since it is usually weighted against the weak and the vulnerable. It is they who need the protection of the court more than the rich and the powerful.

I have often been shocked when in the Supreme Court I am

told in a Special Leave Petition that the rent is only Rs. 50 and the Supreme Court cannot be troubled with such trivial matters. But then it is just the sort of tenant who pays Rs. 30 or Rs. 40 that needs the protection of the Supreme Court. If he is thrown out, he may have nowhere to sleep but the pavement. A man who pays Rs. 500 or Rs. 1,000 can afford to get other premises or even to buy a new flat, but a poor man living in a hovel faces a grim prospect indeed.

Judges nowadays have been subjected to considerable criticism —very often unfair and undeserving. One of the criticisms is that judges live in an ivory tower and do not know what is happening in the world in which they live. Whether the generalisation is true or not, I do not think personally I was ever guilty of any such detachment or insulation. If anything, I stayed too often and too long outside the ivory tower. It is true that a judge must inevitably face a certain amount of isolation. It is also true that a judge is not concerned with the political philosophy of any party that might have passed any particular legislation. It is also obvious that he must decide the case according to law, without being concerned about whether the decision goes in favour of the State or the citizen. But whatever he does he should be conscious, to quote Justice Holmes again, "of the felt necessities of the time".

One of the main questions that a judge is faced with today is the conflict between the rights of the State and the rights of the individual citizen. The State needs security; it needs to bring about social reform, it needs to remove the glaring inequalities that exist in our country. But, at the same time, the citizen also needs protection against the State whose powers are increasing every day, and which very often uses its powers arbitrarily, and not always in accordance with law. This latter consideration made me lean towards the assessee, against the department, unless I felt that the man was dishonest and was trying to evade, and not avoid, the payment of tax. I remember saying, in one of my income-tax judgments, that if a man stole a few hundred, or a few thousand, rupees, it would be theft. But if he stole or misappropriated lakhs of rupees it would be high finance. Dr.

C. D. Deshmukh when he was Finance Minister, quoted this passage in one of his budget speeches with approval.

As a puisne judge, I worked under two Chief Justices—Sir John Beaumont and Sir Leonard Stone. Of Sir John, I must say that he was always very kind to me and I had the highest regard for him, both as a man, and as a judge. He was extremely quick in his decisions and judgments. He grasped the point before counsel had even fully stated it. His legal principles were sound and precise, and he applied them unerringly to any case that came before him.

I remember, when Sir John first sat on the Appellate side as the new Chief Justice, he had to construe some abstruse local laws with which he was wholly unfamiliar, and the Appellate Side Bar wondered what he would make of the rather complex and intricate provisions of a particular statute. But Sir John had not the slightest difficulty in unravelling the intricacies of the sections. This is true of any great lawyer. It also held true of the Judicial Committee of the Privy Council. Whatever law was being interpreted, whatever the nature of the case, whether it came from India or Ceylon, the Privy Council applied the yard-stick of fundamental principles, and left a legacy of decisions on Hindu and Muslim law which are even today cited with approval and admiration by lawyers and judges alike.

Sir John would take short notes when the appeal was opened. And the moment he found he had heard sufficient arguments as would make it possible for him to deliver judgment, he would very often allow himself what looked like a short nap, and let counsel proceed with the argument. Sir John had a habit of stroking his chin whenever he was puzzled, which was rare. He was always sure and decisive in whatever conclusions he arrived at.

I believe the Bar did not treat Sir John fairly, when they refused to give him a reference. The reason for refusing him a reference was that he had not recommended Kania as his successor, but had got a new Chief Justice from England which the Bar attributed to racial prejudice. In fact, no Englishman I have known was less prone to racial prejudice than Sir John. I

remember, there was once a vacancy for a civilian judge, and the Government of India was insisting upon Sir John's appointing Justice Weston, who was an Englishman, and who had served all his time in Sind. Sir John resisted this Government demand, fought hard for Rajadhyaksha on the ground that he knew the work of Rajadhyaksha as a District Judge in Bombay, but was not familiar with Weston's. But the view of the Government of India prevailed in the end, and Weston came to the High Court. I must admit, though, that Weston made a very good judge indeed. I am, however, relating this incident merely to show that there was at least one occasion which I knew when as between an Englishman and an Indian, Sir John preferred the Indian to the Englishman.

With regard to his successor too, it is known that Sir John offered the Chief Justiceship to Motilal Setalvad, who declined partly out of regard for Kania, and partly because he thought that Kania, as the next senior judge, had the greater right. I know how bitter Sir John felt about the Bar not giving him a reference. It was Sir Chimanlal who moved the resolution in the Bar Association that no reference should be made to the retiring Chief Justice. Beaumont told me: "Imagine Sir Chimanlal moving this resolution when he knows perfectly well that I have offered the Chief Justiceship to his son." So he left the High Court without the Bar paying him the tribute to which he was undoubtedly entitled.

During the last few months of his tenure, the relations between Sir John and Kania were rather strained. And although Kania used to sit with him hearing income-tax references, he asked me to join him on the Income-tax Bench after the relations of the two men had become somewhat estranged. That was my first experience of income-tax cases. I had not done many income-tax references at the Bar, and I was unfamiliar with income-tax laws. But I was perfectly safe as far as that Bench was concerned, because Sir John delivered all the judgments, and my sole responsibility was to listen to the arguments and occasionally say a word or two to the Chief Justice. But on one occasion when the arguments were over, Sir John casually turned to me and said—and I am quoting his very words:

Chagla, I have lost my voice. You fire off the judgment." Of course, I had taken notes of the arguments. But to be suddenly called upon, for the first time, without any notice or intimation, to deliver the judgment extempore on a subject which was new to me was a rather daunting prospect. All the same I delivered the judgment and in the best way I could. And when the Court rose, I remarked to Sir John: "I wish you had given me some notice before asking me to deliver the judgment." He smiled and said: "My dear boy, you have done very well. I don't think any notice was necessary." I did not then know how intimately I was going to be associated in the future with the Income-tax Act and with income-tax references.

Sir Leonard Stone was altogether a different proposition. Socially he was most charming, but—and I must be frank—he did not have the mastery and the understanding of Indian Law and the Indian legal background which Sir John Beaumont had displayed during his tenure in office. He had, I must admit, great confidence in me, and it was rarely indeed that he did not accept any advice that I gave him. This was true particularly with regard to the appointment of Judges.

I sat on the Appellate side for some time when he was the Chief Justice, and Gajendragadkar and Dikshit appeared before me. I was impressed with their ability. I thought Gajendragadkar was remarkable for the soundness of his advocacy, the fluency of his language and the mastery he showed over facts. Dikshit was also very good, although his rather pedagogic manner was vastly different from that of Gajendragadkar. I strongly recommended both their names to Sir Leonard. He accepted my advice and both were raised to the Bench. I could, of course, have no idea then that Gajendragadkar would ultimately rise to become the Chief Justice of India.

The first Second Appeal I dealt with centred on a subject that was again rather unfamiliar to me. G. N. Thakore, who was one of the leaders of the Appellate Bar, appeared in the first matter, and finding that he was dealing with a judge who did not know much about second appeals said: "My Lord, I will read the pleadings." I retorted that as far as I knew, all that the Civil Procedure

Code required was that he should tell me the question of law which required to be decided. He immediately realised that I was not to be trifled with and addressed himself to the question of law which did or did not arise in that appeal.

I also remember Bhulabhai Desai once appearing before me in a Second Appeal. It was a hopeless case, and it was precisely because it was hopeless that Bhulabhai had been briefed. As soon as he got up and stated a few facts, I told him that it would require a magnifying glass to find a point of law! Bhulabhai, who never cared to argue a bad point, immediately sat down, and the Second Appeal was dismissed.

There was a time when Sir Leonard Stone felt very disturbed about the growing arrears of criminal work. He devised a method which, whatever one might say about it on grounds of fairness, was highly ingenious and very effective. Whenever an appeal came up for admission, he admitted it, and then issued a notice of enhancement of sentence. The result was that most accused persons were terrified of coming to the High Court, with the Sword of Damocles hanging over their heads, and the filing of appeals went down. I was greatly upset with this method of dispensing justice, and I told Stone frankly that it was not right. He asked: "What am I to do with these arrears?" I then suggested that Gajendragadkar and myself would deal with the criminal work for the whole session, and try and see whether we could not reduce the arrears. Gajendragadkar and myself set about the work with zeal and vigour, and at the end of the session, I think we had succeeded in considerably reducing the load of arrears. It was one of the most strenuous sessions I had known because there was a large number of dacoity cases, and as any criminal practitioner knows, these cases are the most trying to decide. There is the identification of articles, the subject matter of the dacoity, the identification of the dacoits, and a hundred other details which one has to consider.

There are two or three amusing incidents which I should like to relate about the time when as a puisne judge I used to sit with Sir Leonard Stone.

We were hearing an appeal from a judgment of Mr. Justice

Blagden, whom Stone did not like at all. There was a bulky paper book before us, and as soon as the proceedings started I turned to Stone and told him that I was surprised that the suit should have taken as much as a week before Blagden when the only point involved was the construction of a single clause in a lease. Sir Leonard agreed with me. We asked counsel how the oral evidence was relevant or admissible, and why the time of the court below was taken up in examining witnesses over so many days. After a short discussion counsel on both sides had to admit that the only point involved in the appeal was a question of construction. Consequently we did not take more than an hour or two to dispose of the appeal. Apparently the reason for the delay in the lower court was a very charming and beautiful actress who happened to be the principal witness in the case. Once she was called to the witness box Blagden could not bring himself to part company with her, with the result that her evidence lasted for days.

The second incident I remember also concerns Blagden. One morning when I went to my chamber, Blagden rushed in, foaming at the mouth, and shouting at the top of his voice, "I want to take contempt proceedings against Leonard Stone." I was shocked to hear this and asked Blagden to sit down and calm himself. Blagden's charge was that the Chief Justice had tried to interfere with the administration of justice, and he believed it was his duty to take contempt proceedings against him. I told him that he would be creating a precedent because I had never known of a case where a puisne judge had taken contempt proceedings against a Chief Justice. I asked him to tell me what precisely had happened. He said he had a suit on his Board that day. It was an old suit, and the Chief Justice had the temerity to write to him to say that under no circumstances should he adjourn the suit; he should proceed with it. Blagden maintained that this was gross interference with his judicial discretion. He seemed quite determined to take this rather extraordinary and unusual action and I decided to take him to Kania's chamber. Kania gave the same advice as I did. But the man could not be turned from his purpose. Ultimately we both took him to the chamber of the Chief Justice himself. The threatened action could not have endeared Blagden any further to him but Sir Leonard assured Blagden, at our instance, that he

had no intention of interfering with Blagden's discretion. He was only anxious about the growing arrears in the High Court and he wanted to draw Blagden's attention to the fact that this was a very old suit, which had been pending for a long time. The ugly storm then blew over.

The third notable episode I remember occurred when we allowed an appeal from the judgment of Coyaji. The losing side in the case had come to us for leave to appeal to the Privy Council. Ours was a judgment of variance and the amount involved far exceeded the statutory amount required for a right of appeal to the Privy Council. We had thus really no option but to grant leave. The application was, in other words, merely a formal one. But to my surprise, Stone turned to me and said, "We must refuse leave. This is a most vexatious application. There is nothing in the appeal, and we should not waste the time of the Privy Council." I told him that the law was clear, and however unlikely the success of the applicant might be, we had no option but to grant leave. Stone tried to resist, but ultimately when I pointed out the relevant provisions he agreed but only with the greatest reluctance. He insisted, however, on dictating a judgment drawing the attention of the Privy Council to the possibility that its time might be wasted. In the course of this judgment, the Privy Council was told how hopeless the appeal was, but that he was granting leave only because he was persuaded by his brother Chagla that in law he had to do so. What is interesting is the ultimate result. The Privy Council actually set aside our judgment, and restored the judgment of Coyaji. So much for the certainties of the law.

When I am dealing with Chief Justices, I might as well refer briefly to two others I knew well at the Bar—Sir Norman Macleod and Sir Amberson Marten. Sir Norman was cast more or less in the same mould as Sir John Beaumont. He was quick and perceptive, but his manners were rather brusque, and he was particularly hard on juniors. In my early days I had one or two cases before him, and I found that he did not pay the slightest regard to what I had to say. He used to study the records most conscientiously, and then make up his mind, so that the advocate, particularly if he was a junior, was completely superfluous and unnecessary. If you persisted, he would get red in the face. And to

underscore his disdain he would turn his face away from you and look in the direction of the sea, which in those days, was almost visible from the Chief Justice's Court. He had the weakness of having almost all his decisions reported—whether good, bad or indifferent. If one looks at the Law Reports of his time, one would find even four-line judgments from him which should normally have no place in the Law Reports. I think it is evidence of vanity in a judge to want to get as many of his judgments as possible reported. Perhaps he feels that that way his name would go down to immortality. Law reporting is so unsatisfactory in our country and so many faulty and trivial judgments are reported that I feel something must be done to check this cascade of judgments overwhelming both the Bar and the Bench. I tremble to think what will happen five or ten years hence assuming, of course, that our courts and our judicial system still exist, if counsel has to cite decisions of the Supreme Court and all the High Courts on a particular point—and this, although a single judgment of the Supreme Court on the question might be conclusive on the point.

I tried to do something in the matter when I was the Chief Justice. I issued instructions that only those judgments should be reported which the judge thought were worth reporting. But notwithstanding my directive, the All India Reporter continued to report even those judgments which the judge concerned had directed were not to be reported. As a result I completely prohibited the citation of cases from the All India Reporter series.

But, unfortunately, it is true that every judgment which a judge delivers becomes the law on the subject. And I must confess that I myself sitting in the Appeal Court, have had the disconcerting experience of being confronted with hundreds of my own unreported judgments. I remember one advocate who used to specialise in hunting up unreported judgments and confronting me with them in court. I could not refuse to look at the judgment which I had delivered, and very often I frankly confessed to the lawyer that I had forgotten that I had delivered any such judgment but that I was inclined to take a view different from the one I held earlier.

I think the remedy lies in the restraint which the Bar must show

in the number of cases which they cite and the control the judges must exercise in limiting the cases to the minimum necessary. There is no necessity for allowing a string of judgments on the same point being solemnly read out one after another for the edification of the judges.

The other Chief Justice, Sir Amberson Marten, was cast in an entirely different mould. He was slow, while Macleod was quick. He thought more of the effect his judgments would have on the evolution of the law, and how they would read when printed in the Law Reports. He was worried about little details, while Macleod brushed details aside. He would lose his patience with the Bar, and quarrel with his associates. His temper would suffer if he found that the pencils on his table were not properly sharpened. He would be annoyed with witnesses because they spoke a language he did not understand, while the translators never satisfied him fully because their English was not the impeccable English to which he was accustomed. He never became fully familiar with the intricacies of Indian law.

Once, I remember, an advocate appeared before him in a case involving Mohammedan law, who opened the case by enumerating the various schools recognised by Muslim jurists. Marten pulled up the advocate. "I won't have so many schools in my court", he said. "Make up your mind which school you want to rely on." He was more at home on the Appellate side because he did not have to grapple with witness actions. He took a lot of pains over problems connected with administration, and in consequence never sat in court on Fridays. The final judgment of the Bar on the man was adverse. With all his legal acumen and wide knowledge of the law, he was not considered a successful Chief Justice.

There was a very happy tradition we followed in our High Court and which I am glad to know is still being continued. We would meet outside the Chief Justice's chamber, ten minutes before court time. We would talk for a while, and then disperse so that we could be in our respective courts on the stroke of 11 o'clock. Punctuality was a virtue which we assiduously practised. I regret to note how different are conditions now in some

of the High Courts in the country, when judges come late to the courts by half an hour, one hour, or sometimes even more. I must pay my tribute to the judges of the Supreme Court who are in their places at the fixed hour, so much so that one can almost set one's watch by the time a judge takes his seat.

There was another convention followed in the Bombay High Court. All the judges would meet in the judges' library where they took their lunch together, the Chief Justice sitting at the top of the table. When I became Chief Justice, I continued the same practice. I would tell my colleagues that we were like a joint Hindu family. Each one of us had an equal share in the joint family property, which was the High Court, and therefore the same interest in maintaining and sustaining it. The only difference between them and me was that I was the *Karta* entrusted with the management of the family. The lunch interval lasted 45 minutes and we spent it in exchanging ideas on every subject under the sun.

I should like to refer to some of the colleagues with whom I worked between 1941 and 1947. No account of my life on the Bench would be complete without some reference to them. The one who was closest to me and with whom I was on most intimate terms was Kania, who afterwards became the first Chief Justice of India. As it happened, soon after I joined the Bench, there was petrol rationing, and judges used to pair up in one car in order to save petrol. Kania asked me whether I was agreeable to having my car used for one week and his car the next. I willingly agreed and the result of this daily co-operation in transport was a lifelong friendship between the two of us. Not only did we go to court together but we also went to the Willingdon Club together where we played bridge at the same table. We also left the Club at the same time and returned to our respective homes together.

When two people are thrown into each other's company in this way, a bond is naturally created which is of a durable character. Kania had a most acute mind, sharp as a razor's edge. He was quick in understanding, quick to go to the root of the matter, and very quick in seeing the flaws and defects in the

arguments and submissions of counsel. The speed with which he worked was an object lesson. Case after case was decided in his court in minimum time and to the satisfaction of both the contending sides. I had practised a great deal in his court, and I had often to face searching questions and meet strong objections. When I became his colleague, I would often tell him that what grey hair I had, came of practising in his court. But I like a quick judge and an understanding judge, not a judge who dodders over a point, and who cannot make up his mind. There are judges who when they do not understand a point, instead of admitting their own deficiency frankly, try to take it out on the lawyer by pouring vials of wrath on his innocent head.

I am happy to recall that Kania and I spent many a vacation in Mahableshwar together. When ultimately he left the High Court and went to the Supreme Court, I always stayed with him whenever I went to Delhi for the Chief Justices' conference or on some other work.

I was also very close to Divatia. He did not have the same acuteness of mind that Kania had, but he was a man of shrewd common sense, and decided cases more from a practical and a common sense point of view than from a legalistic one. One of our recreations was golf, which we often played together. It was he who introduced me to the game which, he said, was good for my nerves. But I must confess that nothing has done greater harm to my nerves than golf. For the life of me, I could not play even a reasonably decent game. I never succeeded in hitting a ball more than 50 yards and I would watch, in frustration, the others I was playing with send the ball flying over 250 yards. But with Divatia it was somewhat different. He and I would go out early in the morning, so that nobody could watch us hitting off from the first tee. Divatia fortunately was not much better than I was, and therefore the two of us made a fairly happy and contented pair. Whenever I sat with him on the Bench, Divatia would often ask me to deliver the judgment—he was my senior—and I always found him most kind and considerate. He had many interests outside the law to sustain him He was a student of philosophy, and took a keen interest in educational, literary and cultural matters.

Then there was Broomfield, who was an I.C.S. Judge, before whom, I think, I had appeared once for admission in a second appeal. His bearing was very formal and very stiff on the Bench, and while you argued, he never said a word. The second appeal, which I was trying to get admitted was a hopeless one and I fully realised it. Still I went on arguing; Broomfield did not say a word. I did not know whether I was to stop or continue arguing. When I ultimately sat down it was through sheer exhaustion. Broomfield then whispered a word to his Sheristadar —just one word. When I asked what the order of the Court was, it was, as I expected, "Dismissed". But later when I came to know Broomfield as a colleague, I found him to be quite a different person. As an individual he was a very warm-hearted, charming man, of friendly disposition. I sometimes raised with Broomfield this question about his official and his personal manner, and asked him why he was so stern and unbending on the Bench. I tried to impress upon him the self-evident truth that even an adverse decision is the easier to accept when handed down pleasantly and with a smile. Broomfield, I regret to say, never saw the point, or perhaps could not make the adjustment.

One of the most amiable men I have ever come across in life, and one of the kindest, was Rajadhyaksha. He too was an I.C.S. Judge. He was slow, but very thorough in his work, and very popular with the Bar. I once accompanied him and his wife on a tour of Europe. I found him highly knowledgeable and a very agreeable companion. He was in his day chairman of many tribunals, and his reports are still regarded as authoritative on the subjects which they dealt with

Tendulkar was appointed by Sir Leonard Stone at my suggestion. He and I had been very close and intimate friends at the Bar. We used to go to the Bar Gymkhana together. We had played a lot of bridge together, and we had enjoyed the frivolities of life, which one can when the briefs are few and far between. Tendulkar also had to wait long before he began getting on at the Bar. But once started, he soon got into a fairly large practice. He had a very keen mind but, unlike most Maharashtrians, he also excelled in accounts and in matters financial and economic. But accounts were, so to say, in Tendul-

kar's blood. And when I sat for a long period, doing income-tax references with him as my colleague, though I think I delivered almost all the judgments, I owe him a deep debt of gratitude for the suggestions he made and the advice he gave before I put the finishing touches on my judgments. He was very fond of racing, and was in fact, a Steward of the Turf Club. He was not one of those who believed that a High Court judge should disdain ordinary human diversions and shut himself up in his house. He enjoyed the good things of life with zest and spirit and at the same time excelled in his work as a judge.

Bavdekar was another I.C.S. judge, whom I came to know very well. He also had a very fine legal mind. He was more human and warm-hearted than most I.C.S. judges I have known. His one weakness was his tendency to indulge in interminable arguments with counsel at the Bar. He always insisted on trying to convince the lawyer that his own point of view was right—and very often it was. But the lawyer owed a duty to his client, and could not therefore be expected to concede that he might be in the wrong. Bavdekar thought it very dishonest of the Bar not to admit the validity of any particular point which he put to them. I often explained to him that he had not practised at the Bar, and therefore did not realise that a lawyer is paid to argue his client's case and not to agree with the judge that his client's case is false. I remember Daphtary's reply when asked how long a matter he was appearing in before Bavdekar would take.

He said: "I will take half an hour. I do not know how long the judge will take!"

I persuaded Sir Leonard Stone to offer a judgeship to my old friend, Purushottam Tricumdas. He agreed and asked me to sound him. I invited Purushottam to come to my chamber and made the offer on behalf of the Chief Justice. He explained that he had spent a long time in jail in the political movement. He was heavily in debt, and he could not possibly afford to accept office carrying a salary of Rs. 4000. He must continue to practise and earn some more money which he badly needed. I appreciated his problem, and did not press him. I think the High Court lost a good judge when he turned down the offer.

Talking of politics, I remember when the non-cooperation movement was at its height, Beaumont came into the Judges' Library one day during the lunch recess, in high temper, and said to me, knowing fully well that I also had been a politician: "Look at what your Advocate-General and Government Pleader have done." I asked: "What have they done? I hope they are not guilty of any professional misconduct." He said: "No, but they have thrown up the sponge, and have resigned."

Beaumont had the highest regard for Setalvad. He thought he was one of the best lawyers we had in the High Court, and so felt strongly about the resignation of his favourite Advocate-General. Although Beaumont was a very fair-minded man, his inclinations were against agitation in favour of the freedom of the country. Although personally he believed in freedom, as a lawyer he was opposed to the breaking of laws, and to people going to jail. He was also very fond of Purushottam, and would certainly have offered him a judgeship but for Purushottam's political activities. Once Beaumont had actually gone to the jail where Purushottam was lodged to see him. I know people had accused Beaumont of political bias but subject to the qualification I have mentioned, I think, on the whole, he maintained his judicial impartiality even during times of storm and stress.

I must here refer to a tragic incident that took place in Bombay in 1944 and that is the dock explosion which demolished some of the dock areas of the city. A ship containing a large quantity of munitions exploded in the harbour. The fire spread, and it was only a kind Providence which saved our city by changing the direction of the wind. There were three successive blasts, each worse than the one before. I was sitting in Court, as what is known as the Miscellaneous Judge, doing Chamber Summonses and Notices of Motion. It was a case in which Kanga and Bhulabhai Desai were pitted against each other. We did not take much notice of the first shock. I decided to continue to sit in the Court, and the two counsel went on with their arguments. There was a second shock, a little more intense, and both Kanga and Bhulabhai requested that I should rise. I did, and went to my chambers. After about five minutes, I emerged hoping that whatever the cause of the trouble it might have ended. I

returned to the Court and the proceedings commenced again. The third shock was devastating. Then Kanga and Bhulabhai insisted that I should rise for the day. When I went to see Sir Leonard Stone, I found him sitting in his chambers as bewildered as I was. We both then decided to go to the terrace to find out what had happened. The sight that met our eyes was indescribably ghastly.

That night both he and I were dining with Sir Cowasji Jehangir; the only other guest was Bhulabhai Desai. We had received reports of casualties, and of damage done to property. And so we decided to go to the spot, and see things for ourselves. It was a sight which I will never forget. Torn limbs and mangled bodies lay scattered all about the place. The scene was one of complete devastation.

Here I must say that although most of my time was taken up with judicial work, I did not withdraw from the many social, cultural and educational activities which were going on in Bombay. I refused to stay on the heights, and look at the scene in a spirit of detachment. I wanted to remain and did remain a part of the scene. I have always been passionately fond of Bombay. I think there is no city comparable to it in the world. It is cosmopolitan; it does not believe in protocol; it accepts people for what they are worth. I feel a devotion for the city and a dedication to it which it is difficult for me to explain. And, therefore, apart from politics, I played my proper role not only as a judge, but also as a citizen of Bombay.

About my educational activities, I will have much to say in another connection. I succeeded B. G. Wadia as the President of the Bombay Asiatic Society and about the same time I also became the Vice-Chancellor of the Bombay University. I continued as President of the Asiatic Society till I retired as Chief Justice. It was interesting work and I valued it specially because here I met scholars and people devoted to learning. We had many problems chief of which was in regard to space which was required for the books which were pouring in particularly after the Society became the Central Library for Bombay and the repository of all Government publications. The Library, which

is housed in the Town Hall has had a great tradition of scholarship, and has played a dominant role in the promotion of intellectual and cultural activities.

CHAPTER SEVEN

Chief Justice

ON August 15, 1947, I took charge of the office of Chief Justice of Bombay from Sir Leonard Stone. There was no obligation, legal or constitutional, on him to relinquish his office. He could have continued as Chief Justice after independence. As a matter of fact, some English judges did continue to function. Mr. Justice Falshaw, for instance, was Chief Justice of the Punjab High Court many years after our country became independent. But Sir Leonard Stone, although not a great lawyer, was a great gentleman, and had a deep instinct for decency and propriety. He told me that it would not be right in a free India for an Englishman to be at the helm of affairs in a High Court, and it was but right that an Indian should take his place.

I was the first Indian to be Chief Justice, and I fully realised the weight of my responsibilities. The Bombay High Court had a long line of distinguished Chief Justices, and had very high traditions as one of the premier High Courts of India. When I took office, I offered a prayer that I would have the capacity to maintain those traditions, and that when I retired it should not be said of me that I had in any way lowered them or had not proved worthy of them. Whether my prayer was answered or not, it is for others to judge. The resignation of Sir Leonard Stone is another of those crucial contingencies in my life, of which I have already spoken. It was entirely for him to make up his mind. He could have decided either way, and had he chosen to continue, my life might have taken an entirely different course.

I can honestly claim that during my eleven-year tenure as Chief Justice, I gave to the High Court all the dedication and devotion of which I was capable. My thoughts day and night were all centred around the High Court. During the whole of that period I do not think I absented myself from court even once. I have sat when I had fever, I have sat when I had a violent attack of gout, and when I was sick or sorry. I believed that when the court was sitting my place was there. My wife would often ask me in fun whether I received extra pay for sitting in court even when I was not well, and my answer was that a conscience that remains untroubled was to me as gratifying as an extra month's salary, and that I would be utterly miserable if I stayed at home while the court was functioning. I used to tell my colleagues that if I died while still in office, they should not close the court and if they did, my ghost would haunt the building. I have never believed in closing courts or government offices as a mark of respect for someone who has died. To my mind, the best way of honouring his memory is to work harder than we did before. One may cancel parties and functions, if one likes, but I do not understand why one should cease working because someone has passed away.

The first important and serious problem which I had to tackle was about the status and dignity of the judiciary. A new national government had assumed power, and there is always a tendency on the part of any Government to centralise power, to encroach more and more on the authority of collateral organs of the constitution, and to throw out tentacles which would embrace as many independent institutions as possible. It is an unfortunate fact, but a fact of life that all governments, regardless of their complexion, resent criticism, opposition and dissent to a greater or lesser degree.

Soon after I assumed office, I received a communication from the Chief Secretary. I immediately telephoned B. G. Kher, who was then Chief Minister, to say that all communications and all discussions with regard to the High Court should be between the Chief Justice and the Chief Minister or Home Minister, and at no other level. I explained to him that I was not thinking of my personal prestige, but the dignity and the prestige of the office I

held. It may be mentioned that, at the time, the Chief Justice came next only to the Governor in protocol. Soon after, the protocol was changed, and the Chief Minister came after the Governor, and the Chief Justice after him. That was but right and proper. The Chief Minister had now become the real executive head of the State. But the protocol in itself was a trifling matter relating to social prestige. What I was asking of Kher had a different and a more important implication, about which more later.

Another important convention I succeeded in persuading the Government to accept was that in the appointment of High Court Judges the initiative should come from the Chief Justice and not from Government. I told the Government that I knew that under the Constitution the only right that the Chief Justice of a High Court had was to be consulted with regard to the appointment of a judge, but for the purpose of establishing a strong, independent-minded judiciary, it was necessary to ensure that there was no scope for the exercise of pressure or influence in the choice of candidates for a High Court judgeship. I told them frankly that the Chief Justice was in a better position to resist and withstand pressures than was the Government. I agreed that Government was not bound to accept the recommendation of the Chief Justice. It could reject it, but in such cases it should ask the Chief Justice again to suggest other names.

The acceptance of this convention sometimes led to serious confrontations between myself and Morarji Desai, since although Kher was the Chief Minister, for all practical purposes I dealt with Morarji Desai who was the Home Minister, and later of course, Morarji Desai was himself the Chief Minister. Kher was a benevolent, kindly man, completely under the domination of Morarji who was the strong man of the Cabinet, and one in whom Kher had implicit confidence.

The first confrontation with Morarji was with regard to the appointment of Lad, who was the Legal Remembrancer. I had submitted the name of a District Judge who was junior to Lad, and Morarji replied by enquiring why Lad, who was the senior District Judge, had been passed over. I told him that Lad had been associated with the executive for many years, and it

was necessary, before I could consider his claim, that he should go back to the districts and act as a District Judge. Only then could his claim be considered. I conceded that Lad was an extremely able and efficient man, but I did not like the idea of someone steeped in the habits and outlook of an executive official coming to the High Court straightway. This made Morarji furious, but I refused to relent. Morarji threatened that if I did not accept his suggestion, he would not recommend any judge for the pending vacancy. I replied that I could afford to carry on with the existing strength of judges but I would not yield on what was to me a matter of principle. This contretemps continued for a considerable time till Lad went to the Government of India in some capacity or other.

Things appear to have changed a great deal now, and very much for the worse. Judges are often appointed who have no judicial experience, or who have been divorced from judicial work for a long stretch of time. I think this is entirely wrong. Judges should be appointed from the body of practising advocates or from District Judges who are actually doing judicial work. I am saying this not in disparagement of judges who have been appointed from the executive, as some of them may have made good judges; but the principle is wrong, and exceptions do not justify the violations of a principle.

I also had difficulty with Morarji about the appointment of an Assistant Judge whom we wanted to recruit directly from the Bar. He was a member of the Hindu Mahasabha. Morarji wrote to me and said that he was surprised that I should recommend a man with such political complexion. I told him that I was not concerned with the politics of a member of the Bar. I was only concerned with his ability and efficiency to function as a judge. Further, it would seriously undermine the independence of the Bar if I were to insist that only those who belonged to a particular party or believed in a particular ideology could aspire to become judges. I said that a member of the Bar had every right to hold any political views he thought proper, provided they were not seditious or subversive. So long as I was satisfied that a judge did not carry his politics to the Bench, I should consider his political views as utterly irrelevant to his fitness as a judge. After some

correspondence, Morarji ultimately yielded, and appointed the man I had recommended who, I am happy to say, turned out to be a very good judge.

In selecting Assistant Judges from Civil Judges, we once passed over a Muslim who was a senior judge in favour of a non-Muslim. Morarji came down heavily on me, and wanted to know why I had ignored the claims of the minority community. I told him that as far as judicial appointments were concerned, I did not take any communal considerations into account, and made no distinction between majority and minority communities. I only wanted the best judges, whatever their community might be. I explained that it was not my idea of secularism that a judge should be appointed from a minority community, even though the man was unfit. Real secularism meant that one did not pass over the claims of those who were really fit, merely because they belonged to a particular community. If I found that all the Civil Judges who deserved to be promoted were Muslims, I would not hesitate to recommend all of them, but communal representation in the judiciary is something I refused to accept. It is true that other things being equal, I might lean on the side of the weaker communities, but to accept communal representation as a principle in appointments to the judiciary would completely undermine the strength and status of this vital State organ. Morarji had ultimately to accept my recommendation.

When Morarji Desai resigned from the Chief Ministership and Y. B. Chavan became the Chief Minister, a large public meeting was held in Morarji's honour over which I presided, and I remember saying in my speech that during Morarji Desai's regime we had witnessed the remarkable spectacle of a Muslim Chief Justice opposing the appointment of a Muslim Judge, and a Hindu Chief Minister strongly supporting the appointment.

I must say that Morarji Desai made a first class Chief Minister. He was a strong and able administrator. He was also completely free from communal prejudices, and although we had many differences of opinion and were not on very friendly terms with each other in the beginning, ultimately we became great friends, and came to understand and respect each other's point of view.

But Morarji had his blind spots, and one of them was his intolerance, his tremendous sensitiveness to criticism, a fanatical belief that he was always right, and that any other point of view could not honestly be held by anyone.

There were innumerable judgments which I delivered against the Government, and I think I released more detenus than perhaps any other judge in India. I abhorred the Preventive Detention Act, and I have always thought it disgraceful that the provision with regard to the Preventive Detention Act should find a place in the chapter on Fundamental Rights in the Constitution. This almost makes it appear as if a citizen had the fundamental right to be detained without a trial. But I had to administer the law as I found it, and I had to give effect to the provisions of the Preventive Detention Act. But if ever I found the slightest defect in the order, or if I could find any loophole in the action taken by Government, I made full use of it, and released the detained person. I have felt, and I still feel, that our criminal laws are sufficiently powerful and wide enough to deal with any case where the security or the safety of the State is jeopardised.

A Government always prefers to take the easier path by detaining someone without going through the regular and proper judicial process. But I had determined that I was not going to be a party to such a violation of the elementary right of a citizen to a trial before conviction, if I could possibly help it in law. Morarji seemed to have been convinced that I used to decide against the Government deliberately, and on set purpose. I remember an unfortunate scene that took place at a private dinner to which both Morarji and I were invited. That very morning I had decided against the Government in some case which I do not recall, to which Government had apparently attached great importance. At this dinner I was sitting next to Morarji, and unprovoked, he attacked me in the presence of the guests, saying that once more I had decided against the Government, and that I seemed to take a morbid delight in doing so. At that I lost my temper and retorted that my duty as Chief Justice was not to pamper or protect the Government. My primary duty was to protect the citizens' rights, and every time I found the

Government wrong, I would not hesitate to decide against it, or condemn it in no uncertain terms in my judgments.

This heated and rather unseemly debate between Morarji and myself took place well within the hearing of the other guests, and in the next issue of *Current*, a Bombay weekly, most of it was reproduced with appropriate headlines. I was told afterwards that somebody drew the attention of Jawaharlal Nehru to what had appeared in *Current*, and for some time Nehru, I am sorry to say, was rather cool towards me, because he got the impression that I was deliberately defying the Chief Minister and needlessly asserting my independence.

Although it was the usual practice in every State when there was a vacancy in the office of Governor for the Chief Justice to act till the permanent incumbent was appointed to the vacancy that occurred, in Bombay, Morarji did not consent to my acting as Governor. This did not make the slightest difference in my attitude to him or to the Government, and I accepted this mark of disfavour from the Government with absolute composure and equanimity. As I shall relate later, I did ultimately act as Governor once when relations between Morarji and myself had become more friendly and cordial.

Morarji also resented some of the speeches I made outside the court. He thought that even on the public platform, I was criticising laws passed by the Government and Government policy, which he considered was improper for someone holding the position of Chief Justice to do. In a frank discussion with him, I made my position perfectly clear. I said I entirely agreed with him that a judge should not take part in politics or discuss political issues, but then this was subject to two exceptions. As far as education was concerned, I would insist on my right to criticise the educational policy of Government whenever I thought it was necessary. I said traditionally the High Court had taken an interest in education, and a long line of High Court Judges had in fact been appointed Vice-Chancellors of the Bombay University.

The second exception related to laws which concerned the administration of justice. I said that if the Government passed

any law or pursued any policy which, in my opinion, undermined the prestige of the judiciary or weakened the administration of justice, I would speak, and speak out loudly. I pointed out that although I was personally opposed to the Prohibition policy of Government, I never said a word about it in public. Talking of prohibition in private, however, I made no secret of my hostility to that piece of legislation and said so both to Kher and Morarji. I remember once remarking, more casually than seriously, that we were the degenerate descendants of our Aryan ancestors, who believed in eating, drinking, singing, and extracting every possible joy out of the business of living. Kher, to my surprise, maintained that the Aryans never drank. I reminded him about *soma*, but to my amazement again, he insisted that *soma* was not an alcoholic but a non-alcoholic drink. I told him that I was a student of history, and that to the best of my knowledge, all historians were agreed that the Aryans used *soma*, which was an alcoholic drink, in their religious ceremonies.

My opposition to Prohibition was based on the fact that you cannot improve the morals of a people by legislation. Secondly, it was no business of any Government to tell the people what they should eat and what they should drink. If they drank in a manner that caused harm or was prejudicial to the interests of society, the Indian Penal Code could take care of that. Further, it was my conviction that no law should be passed which cannot be enforced. I pointed out that our national motto was that truth must prevail, but we did not for that reason pass laws to force people to speak the truth and, in my opinion, no prohibition law can ever be successfully enforced. This was established beyond dispute by the experiment that the United States had conducted in imposing prohibition on its citizens. If a man wanted to drink, he will drink, law or no law, just as if a man wanted to gamble, he will gamble in any game of chance, however rigorous the laws against gambling may be. Further, the prohibition law was causing the corruption of the police, of the Bar, though fortunately it had not so far touched the Judiciary.

But all these arguments were of no avail, because Prohibition was one of the blind spots of Morarji. Kher was not such a fanatic. After he returned from London as High Commissioner, Kher

came to lunch with me once when only the two of us were present. In the course of the conversation he confessed that, looking back, it seemed to him that Prohibition had not been dealt with in the proper manner. He did not, of course, go to the length of saying that Prohibition was wrong, but it was easy to see what was at the back of his mind. He laughed as he recalled his experience in London when as High Commissioner he found that unless he served drinks to his guests, no important business could be transacted. I personally think that the impact of a free society had made him change his views about the effectiveness and practicability of compulsive laws which seek to lay down what moral principles a citizen should follow.

I had also—though this was relatively a small matter—a differ ence of opinion with the Government on the question of holidays. Once when somebody died—I cannot remember who—the Secretariat was closed. For my part, I directed that the High Court should not be closed, but should go on working as usual. Morarji telephoned to me, or may be wrote to me, asking me why I had not fallen in line with the Government's declaration. I replied that it was for me to decide when the High Court should be closed, and I should be the best judge of the importance of the occasion which demanded the closure of the High Court. I added rather mischievously that I found that the Secretariat was closed much too often, and I did not think that the High Court should follow what seemed to me to be a bad example. After this encounter we went our own separate ways, and very often we found that while the Secretariat was closed, the High Court was functioning.

I was very keen that at least in our State there should be complete separation of the Judiciary and the Executive, and I must acknowledge, the Government fully and whole-heartedly supported me in this. The Criminal Procedure Code was suitably amended, and the separation was brought about with everyone's consent and to everyone's satisfaction.

I should next like to speak of my relations with the Bar. In the first place I was most anxious that there should be unification. The relations between the Original side of the High Court and

the Appellate side were not very cordial. Those who were not barristers or had not passed the Advocate O.S. examination could not appear on the Original side. There was the dual system on the Original side, which meant that no one could argue a case unless he was instructed by a solicitor. This system prevails even today, but in those days only barristers and Advocates O.S. could appear on the Original side. Bands, also, were worn only by the members of the Original side. I thought that this was all wrong and undesirable. We, therefore, decided that every advocate had the right to practise on either side of the High Court, provided he observed the rules obtaining on that side. In other words, even an advocate practising on the Appellate side could appear on the Original side provided he was instructed by a solicitor. The difference, therefore, between advocates O.S. and barristers and other advocates was, for all practical purposes, done away with. This problem has plagued the Calcutta High Court for a long time, and I am told that even now the differences between the two sides are fully maintained.

I was also anxious that the appellation "pleader" should be abolished and everyone practising whether in the High Court or in the lower courts should impartially be called an advocate. It might be explained that the distinction between advocates and pleaders was historical. In the old days a pleader had to pass a special pleader's examination, and the fee he had to pay for the right to practise was much smaller than the fee which an advocate had to pay. Subsequently, the pleader's examination was discontinued, and both pleaders and advocates had to pass the same examination. Therefore, the only distinction that remained was the fee payable. This distinction regarding nomenclature was also ultimately removed. Of course, today, after the passing of the Advocates Act, we have a completely unified Bar for the whole of India. Here I may also mention that we changed the appellation of Subordinate Judge to that of Civil Judge. I felt that the designation "subordinate" was a reflection, carrying as it does a suggestion of inferiority, which was a slur upon our very able Subordinate Judges. So we changed the name to Civil Judge, senior and junior.

My relations with the Bar, both when I sat on the Original and on the Appellate sides, were most cordial. I do not remember a single instance—and this is making a very big claim, but I do make it—when I lost my temper, or was unpleasant, or showed any discourtesy to anyone who appeared before me. And this, I am happy to say, was reciprocated by the Bar, because I also do not remember any instance when a member of the Bar tried to be rude, or made any objectionable or uncomplimentary remarks. It is always infinitely difficult to ascertain the truth in most cases, and even more difficult to dispense absolute justice. It is only when the Bench and the Bar co-operate and work harmoniously that there is some possibility that a court decision might approximate to truth and justice. In good many cases this is the best that can be hoped for in a patently imperfect world.

Modesty apart, I can say that I was considered a fairly quick Judge; but I tried not to make the serious mistake of confusing rapidity of decision with hustling the Bar, with the one thought of despatch, and reducing the arrears in court. I must repeat that to decide a case quickly, it is not necessary to hustle a lawyer into closing his arguments before he has put his case fully. What is needed is a firm control by the judge over the arguments.

I have also dealt with the other important reason why hearings tend to be lengthy. This is the growing tendency to refer to—if I might use the word—authorities. If one reads some of the judgments today, one finds that there is no proposition which a judge can lay down without citing half a dozen or a dozen authorities. It used to be my practice to tell the lawyer at once that if he put forward a proposition, and I accepted the proposition, no further authority was needed to support it. If, on the other hand, he formulated an idea which I could not accept, I would make it a point to ask him if there was any authority to prove that my view was incorrect. There the matter would end one way or the other, but I always discouraged the citing of unnecessary authorities. Authorities have now become like props without which it seems the structure of a judgment cannot be built. Further, I always tried, as far as it was possible, to keep an open mind till the very end, and sometimes even changed my mind at the last moment, if I

found that some argument that had been previously advanced had not been sufficiently appreciated by me in coming to my conclusions. I refused to read any papers in advance to avoid forming an opinion before hearing counsel, lest it should become difficult to change that opinion, however tentative it might be.

I remember sitting with Shah, who in course of time became the Chief Justice of India, and who very often, as soon as an appeal was called out would start cross-examining the advocate. I would interrupt and say: "I have a very learned and industrious brother sitting with me. He knows all about the case. I do not know anything. Please open the appeal, and tell me what it is all about". The least a judge can do is to let the lawyer at least open the appeal, state the relevant facts, and lay down propositions of law. Then, and only then, should he take the matter in hand. go to the root of the question, and try and get the lawyer to concentrate on that particular decisive aspect of the question.

I might indicate what generally was my approach to the case that was before me. I started with trying to find out where justice lay, or what a common sense view would dictate. I fully realised that in a court we administer justice according to law, and not abstract justice. But to the extent that I could fit in the law with justice without undue distortion, I would do so.

I have had at no time any pretension to great learning, or to be a great jurist. My only object when writing a judgment was to be brief and to be clear, precise and lucid in whatever views I expressed. What I am saying is that that was my ideal, and not that I always succeeded in reaching it. I think I also tried to make my judgments not very dull, or too business-like. I think a well turned phrase, a literary allusion, or a humorous remark goes a long way in relieving the tedium inseparable from any dreary recitation of facts, and a still more dreary reference to authorities which every judgment must entail. With one or two exceptions, I delivered all my judgments immediately after the arguments were over, and never reserved my judgments. I have discussed the advantage of this in the previous chapter.

There are two rather amusing anecdotes which perhaps point the moral of what I have been saying. There was once an appeal

before me with regard to gold-topped pens. The Customs had taken the view that gold-topped fountain pens were gold, and that duty should be levied upon them, not as fountain pens, but as gold. Naturally, the duty on the latter commodity was very much higher than on the former. Amin, who was then Advocate-General, appeared for the Customs. I asked him to hand up to me a specimen of the gold-topped pen which the Customs had adjudged as gold. I took the pen, lifted it in my hand and asked Amin: "Mr. Advocate-General, what would you call the object which I am holding in my hand?" The Advocate-General had to reply: "Your Lordship is holding a pen". And I said: "Isn't that the whole of the case? Doesn't that conclude the matter?" The Advocate-General had to sit down without a word, and the appeal was disposed of. We did not have to go into the intricacies of the Customs Act, into such fine points as to what is gold and what is not, and so on and so forth interminably.

The other incident which I remember concerned a car accident. I read in the papers that a motor car driver had run over a child and killed him. He was convicted by the Magistrate, but was let off with a fine. I was shocked at the leniency of the sentence. I, therefore, directed that the record should be called for in revision, and a notice of enhancement of sentence should be issued. The matter duly came before me. Khandalawala, whom I later appointed a City Civil Court Judge, and who now has a flourishing practice largely in criminal cases, appeared for the accused before me. Now, in law if the court issues a notice for the enhancement of sentence, the accused has the right to argue the whole appeal on merits. When, however, Khandalawala started arguing the case, I found to my horror that I would in fairness have to let off the accused. The identification of the driver was by a person who had never known him before, and who had seen him for a brief moment through the flickering light of a municipal lamp. That was the only evidence of identification, and it would have been most improper to convict a person on such dubious evidence, and not give him the benefit of the doubt. I was, however, morally certain that the accused was guilty, that he had been driving recklessly and negligently, and had been responsible for taking the life of an innocent child. But here was a case where law and

justice did not coincide, and to my chagrin, I had to acquit the accused, which I did most reluctantly.

There are two or three cases to which I would like to refer because they might have some popular appeal.

The first of these came to be known as the "sausages case". The Manager of the Ritz Hotel, a gentleman called Mario, had been convicted by a Magistrate and sentenced to six months' imprisonment for committing a breach of the sumptuary law by serving a course at a dinner in excess of what was permitted. The appeal came before me and Justice Dikshit. Daphtary, who was the Advocate-General, appeared before me to support the conviction, and he was opposed, I think, by M. P. Amin. What Mario had served were cocktail sausages, which are a very tiny variety of the real sausage. As soon as the case was called on, I told Daphtary: "Mr. Advocate-General, I am afraid no one in this case knows or has ever eaten cocktail sausages. My brother Dixit, the Government Pleader and your learned opponent are all, I am sure, innocent of this delicious snack. You and I are the only two who understand the meaning and significance of cocktail sausages. Do you seriously suggest that these constitute a course?" And Daphtary, with his usual fair-mindedness, immediately answered, "No, my Lord, I cannot in honesty say so". That was enough. It finished the appeal. The conviction was set aside, and Mario was acquitted.

There is, however, a sequel to this. Some time later when I was going to England, I met on board the ship Mario, whom I had never known before. He came up to me and said, "Sir, I am very grateful to you, you once saved my life". "How did I manage to do that? I have no recollection", I said. He then told me of the sausages case, and how if the conviction had been upheld, his reputation would have been ruined, and he would have had to go out of the hotel business.

Another case which aroused some interest arose when the Hindu Monogamy Act was challenged before me on the ground of discrimination between one community and another. It was argued that it was discriminatory to place a restriction upon the Hindu community alone, when the Muslim community could

indulge in polygamy. All my sympathies were in favour of this argument. I had always thought that the Government had shown lack of courage in not passing a Monogamy Act which applied to all communities. With great reluctance I had to come to the conclusion that I could not strike down the law, as it was well-settled that a social reform measure need not apply to all sections and that reform could be brought about by stages. Government was, therefore, justified in introducing this social reform as a first step applicable only to the Hindu community.

I had also an interesting case where the ex-communication of a Bohra by the Bohra High Priest, Mullaji Saheb, was challenged. The plaintiff had advocated and practised social reform in the Bohra community, contrary to the fiat issued by the High Priest. While maintaining that he belonged to the Bohra community and that he had a right to remain in it, he contended that the High Priest could not expel him from that community, and indeed, he sought the protection of the Bombay Prevention of Ex-communication Act. The Mullaji, on the other hand, challenged the vires of the Act. In the interests of social reform, and, as it seemed to me, also in conformity with the law, I upheld the constitutionality of the Prevention of Ex-communication Act and set aside the ex-communication. The Head Priest went to the Supreme Court, and my decision was reversed. If one is permitted to say so, I think the Supreme Court took too narrow and rigid a view of the law, and refused to interpret it in a manner which would help the larger public interest.

When I was sitting on the Appellate side many eminent Counsel appeared before me. I wish to refer to a few, but this is not to be construed as disparagement of those others whom I may not mention. For all the eleven years I was Chief Justice, I did income-tax references, and there is no work that I enjoyed more than that. To me these references were fascinating because one did not have to worry about the facts, but only deal with questions of law. What one had to decide was confined to a very narrow compass. Although the compass was narrow, it had its complexity, and very often the answer to the question lay on the border line. One could decide it either way. But fortunately for me, I had, in the first place, a very able and competent

colleague in Tendulkar who sat with me in most of these references. In the second place, I heard some of the finest advocacy which could have been heard in any High Court in India.

Kanga was usually for the assessee and Motilal Setalvad for the Income-tax Commissioner. Kanga's advocacy was most persuasive, forceful, and accompanied by plenty of gesticulation, and when the fate of his client seemed to hang in the balance, he was more likely to carry the day. Setalvad's style of advocacy was quite different. He was brief, precise, to the point and paid a compliment to the Bench by never repeating himself. He made a formidable opponent to Kanga, without any of the artifices of advocacy. As is well-known, Setalvad was the first Attorney-General for India and, to my mind, it was India's good fortune that she had the services of a person of Setalvad's ability at her disposal when the Supreme Court was interpreting the Constitution in the initial stages. The fact that in the early formative years the judges of the Supreme Court succeeded in laying down the law with acumen and sagacity was due not only to the knowledge and ability of the eminent judges themselves, but also to a very large extent to the expert assistance they received from Setalvad as the Attorney-General. He can with justice claim that he has played a big role in the evolution of our constitutional law.

Palkhivala, to start with, appeared as Kanga's junior until he took over himself. But if he did not surpass Kanga, he certainly was his equal. It was on the very first day when I joined the Bench in 1941, and was sitting in my chamber during the lunch interval, when my Secretary told me that an advocate by the name of Palkhivala wanted to see me. I did not know him then nor had I heard of him, but it was my invariable practice to make myself accessible to any lawyer who wanted to come and see me. I asked my Secretary to bring this young man in, and when I looked up I saw standing before me a shy, and diffident, young man. I was then a member of the Syndicate and all he wanted was a note from me which would permit him to read in the university library. I told him that I would be very happy to give him one, and I was happier still when I found that young lawyers did not merely read law, but were interested in other

subjects like literature and history. I did not know then that Palkhivala would achieve such a rapid and dazzling success at the Bar. Today, he is undoubtedly the most brilliant advocate we have in India. He has an unrivalled command over the language which he uses with mastery and skill and which he combines with vast knowledge of law and great powers of advocacy. Apart from being an outstanding authority on income-tax, on which he has written what is truly a monumental book, he has also acquired a mastery over the principles of constitutional law. Indeed, he can handle with consummate skill almost any aspect of law. And it must finally be said to his credit that with all this he has remained essentially modest and humble. Success has not gone to his head, something that is rare with human beings.

Another lawyer who is outstanding and deserves to be noticed is Seervai, the present Advocate-General of Maharashtra. I have already referred to the case he argued before me when I was Puisne Judge. Seervai possesses intellectual integrity of a high order. He is most hardworking and conscientious, and never argues a point in which he does not believe, and which he thinks is untenable or inarguable. Judges can always depend on him not to mislead them, or to lead them astray. He is so sincere and so convinced about the validity of the argument he is advancing that sometimes he fails to realise that there can be equal force in the arguments of the opposite side, and that there can never be any positive certainty as to which of the two is right, and which will ultimately prevail.

Daphtary was also Advocate-General and appeared before me, but not in many cases, as he soon went away to Delhi, first as Solicitor-General, and then Attorney-General. He once told me that his philosophy in life was minimum work in return for maximum result, and he practised this philosophy to perfection. His arguments were always brief and to the point, expressed in his own inimitable style, and always lightened up by an unfailing sense of humour.

I once had occasion to listen to Pritt, an eminent English counsel, who appeared before me in two appeals on behalf of an industrialist and a capitalist. I had heard about Pritt's reputa-

tion. He was a first-class lawyer, but he had a habit of being rude to the Bench, and I prepared myself to pull him up, if necessary. Neither appeal had the slightest chance of success. Pritt wanted to spread himself out, but I kept him to the point, and both the appeals were dismissed in the course of an hour or two. To my relief, Pritt behaved quite properly. That night I met him at a dinner and twitted him for appearing for a capitalist. Pritt was a communist, and practised the communist faith openly, and without any restraint. He replied, "I like to charge heavy fees to my capitalist clients, so that their capital should get less, and I can use the money to further the communist cause. I am now going to South Africa to defend some communists, and I will not charge them any fee, because I have earned enough from my two capitalist clients."

Throughout my tenure of office as Chief Justice, I was entirely happy with my colleagues, and had the most cordial relations with them. Although I had the power and authority as Chief Justice to take decisions, I never acted without consulting them, and I must say that to my good fortune, there was hardly an occasion when there was any sharp difference of opinion between myself and my colleagues on matters of administration. I used to say that we constituted a sort of joint Hindu family. The only difference was that I happened to be the *Karta*.

I remember an occasion when I differed from Morarji Desai about the appointment of a judge, and I told him that it was not only my personal opinion, but that all my colleagues agreed with me. Morarji said that my constitutional duty was to advise him, and it was improper to drag in my colleagues merely to add weight to the view that I had expressed. I replied that it was precisely for this reason that I had consulted my colleagues. I knew my constitutional rights and duties, but when I could tell the Government that not only the Chief Justice, but also his colleagues took the same view with regard to a particular appointment, the Government should be fully convinced that the Chief Justice was not acting through any personal prejudice or bias.

I must, in my time, have constituted innumerable full Benches over which I presided, and I do not think there was one instance

in which there was a dissenting judgment. This is a record of which I am genuinely proud. The only possibility of a dissenting judgment occurred in the Prohibition case, when Gajendragadkar and I took one view, and Tendulkar was inclined to take the opposite view and hold the Prohibition Act *ultra vires*. This was one of the rare occasions when I reserved judgment, because I wanted to try and bring about unanimity among us. And I ultimately succeeded, and a unanimous judgment was delivered in the Prohibition case.

As I have mentioned before, the judges used to meet every day in the Library during the lunch interval, and while we partook of whatever there was to eat or drink, we discussed freely and frankly various things, both serious and trifling. It was also the practice, before we went to our respective courts, for all the judges to assemble outside the Chief Justice's chamber ten minutes before the court sat, again to talk about any matter which needed consideration. And it was a matter in which we in the High Court specially prided ourselves that judges entered their courts on the stroke of the hour. We also strictly followed the rule that during court hours no judge should accept any invitation even if it was official or of an important nature.

I believed that our first and paramount loyalty was to the High Court. When I received my first invitation to Government House for the usual At Home, I found that in order to get there before the Governor arrived, we would have to rise early from court. I, accordingly, wrote to the Governor to say that I meant no disrespect to him but it would be impossible for us to attend before he arrived as protocol required. I asked, therefore, that he should excuse me and my colleagues from attending the At Home. The Governor immediately wrote back that he fully appreciated my point of view, and he would not mind if we reached the Government House after he had arrived. This enabled us to attend the At Home despite the requirements of protocol.

The same problem arose when Warren, Chief Justice of the United States, visited India. I received a telephone message from Delhi that I should go to the airport to receive him, but as the

plane was due to arrive during court hours, I informed Delhi that it would be impossible for me to receive him, but I would go and call on him at Government House the first thing after the rising of the court. New Delhi was insistent; the officials feared that my not going might imply discourtesy on my part. But I was adamant, and ultimately had my way. I went to see Warren immediately after the court had risen for the day. I apologised to him and told him why I was not at the airport to receive him. He readily agreed that what I had done was perfectly right. In fact, that precisely was what he had done in a similar situation in the United States. The President of the United States wanted him to attend some function when the Supreme Court was sitting, and he had declined to do so.

When Lord Mountbatten visited Bombay as the first Governor-General of India, I was among those invited to the airport to receive him. The court was then in session and I naturally declined the invitation. After that I was never again invited to receive anyone, however high the V I.P. might be. The Government apparently gave me up as incorrigible.

It is necessary to say a word about the judges I selected when I was Chief Justice. One principle I invariably followed was that any lawyer who came to see me to canvass for a judgeship was automatically ruled out as far as I was concerned. I hold the view that a lawyer should be invited to come to the Bench; he should not seek that high office on his own. And none of the judges whom I appointed ever canvassed, directly or indirectly, for that office. It was I who had to ask them, and sometimes even beg them to accept a judgeship. I was also very clear in my mind that unless I had a suitable person to fill a vacancy, I should allow the vacancy to remain unfilled rather than appoint an unsuitable person to the post. Mere increase in the number of judges does not necessarily improve the quality of the work done; nor does it result in a reduction of arrears.

J. C. Shah was my student at the Law College; we practised together at the Bar; he was my colleague on the Bench when he finally went to the Supreme Court and ultimately became the Chief Justice of India. His one passion in life was the law. He used

to tell me that even in the vacation, he read All-India Reports, and I said that that was a pity, since there were more interesting things to read in the vacation than law reports. He made one of the most successful judges in the Supreme Court, and was an acknowledged authority on income-tax cases. This is surprising because he had never had anything to do with income-tax cases either as lawyer or as judge at the High Court. But his industry is so great and his legal acumen so acute that he had no difficulty in acquiring a mastery over a subject which is not altogether simple. I appointed from the Appellate side of the Bar, Shah himself, Datar, Tarkunde, V. S. Desai and Dahyabhai Patel, all of whom had a large and flourishing practice on the Appellate side. Datar became a member of the Law Commission after retirement, while Tarkunde, Desai and Patel are now practising very successfully in the Supreme Court. I also appointed Shelat first as the Principal Judge of the City Civil Court and then to the High Court Bench. He is now a Judge of the Supreme Court, and as I often appear before him, it would be improper to say anything more.

From the Original side, I appointed K. T. Desai, S. T. Desai, N. A. Mody and K. K. Desai, all of whom without doubt were earning much more than what they would draw as judges. I had to press every one of them to accept the judgeship, pointing out that unless some at least of the best men came to the Bench, the reputation and the traditions of the High Court could not be maintained. I knew it entailed a sacrifice on their part. I often tell Mody, who is a personal friend of mine, and whom I meet frequently, that he should forgive me for having asked him to become a judge, because at the time I asked him, the salary was Rs. 3,500, and in terms of purchasing power so very much less after a few years of his appointment. I tell him that I sometimes feel really guilty, and he always replies with a compliment, "I accepted the judgeship because you asked me. If anyone else had done so, I would not have accepted it".

The first name I proposed for a judgeship was the principal judge of the City Civil Court. There was a special reason why I recommended that particular individual. He had risen from the ranks; he had started his judicial career as a junior Civil Judge,

and till then there had never been on the High Court Bench one who had worked his way up from the lowest judicial office. I thought this appointment would give the junior Civil Judges a strong impetus, and make them feel that with hard work they, too, could aspire to the highest office. It is true there was Ranade, but he started his life as a Small Cause Court Judge, and not as a Junior Subordinate Judge.

My recommendation was warmly, almost enthusiastically, supported both by Kher and Morarji Desai and I was awaiting formal orders from Delhi. Then came a bombshell. I received what I can only describe as a nasty letter from Sardar Patel who was the Home Minister. The letter said that in recommending my nominee, I was passing over the claims of a senior District Judge, who was a member of the I.C.S. and this would be doing the service a great injustice. I told Kher and Morarji that they should resist the Sardar s pressure, and not give in. But the strong man of India would not yield. He had constituted himself the custodian of the rights and privileges of the services. Ultimately we had to yield, and the I.C.S. as usual triumphed.

I have already spoken about my relations with Morarji, and I have also mentioned that we later became the best of friends. I have also paid a compliment to him as a fine administrator. We both agreed that instead of exchanging letters and making notes on files, the best way to solve administrative problems was to meet, thrash them out, and come to an immediate decision. It became a practice that almost every Sunday, or every other Sunday, Morarji.would come and have lunch with me; and after lunch we would sit down with the files which contained the outstanding questions to be decided between the High Court and the Government, and in less than half an hour, we had made our decisions, and the outstanding problems no longer remained outstanding. My wife would try to give him as good a vegetarian lunch as possible and both my wife and I became vegetarians for that one afternoon. Morarji would protest to my wife: "Why should you go vegetarian on my account? I am not all that sensitive. I have no objection to you or your husband eating non-vegetarian dishes while sitting at the same table". My wife had a ready answer: "A vegetarian cannot eat non-vegetarian food, but

a non-vegetarian can certainly be vegetarian on occasion". I had a selfish reason for giving Morarji a very good lunch. Like most of us, he was more pliant and manageable after a good meal, and it became easier to obtain his assent to my proposals or, if I might put it that way, my demands.

One day Morarji said he understood that I was very keen on bridge and played a good game. Morarji was also fond of bridge and said he would like us to play a game together. But there was a snag, for he quickly added: "I do not play bridge with stakes. It is a principle with me, and as you know I never depart from my principles". I said I knew that, but I too had my principles, and one of these was not to play bridge without stakes. Neither of us would yield to the other, with the result that we never played together and I lost the only chance I had of finding how well he really played. I always held the view—and it was also my practice—that while a man should not compromise on principles, he should be prepared to do so on minor points. But Morarji's insistence on a principle when there was none, set my back up and made me almost as inflexible as Morarji himself.

My relations with Chavan were not of long duration. I swore him in as Chief Minister when I was acting as Governor. That was, I think, in 1957, and in 1958 I left the High Court. But when I was swearing him in, I remember he told me "Chagla, as far as matters about the High Court or judicial matters are concerned, I will strictly abide by your advice." I must say to his credit, he fully kept his word. There never was any difference between him and me, and whatever advice I gave and whatever suggestions I made were accepted without any reservation whatsoever. The only time when he did not accept my advice was with regard to my successor. I strongly pressed him to appoint Shah, who was then number two. I told him that if he appointed Shah, I would have the consolation that I was leaving the High Court in absolutely safe hands. But there was Chainani, who was an I.C.S. Judge, and was senior to Shah, and Chavan decided that he should succeed me. I reminded Chavan that the High Court of Bombay had never had an I.C.S. Chief Justice before, and there was no compelling reason to make a departure then. Chavan then explained that passing over Chainani might offend the Sindhi com-

munity in Bombay, which constituted a minority. I told him I could only advise him on grounds of merit and not on political considerations. Such considerations would naturally weigh with a politician, but they should not and did not weigh with a Chief Justice.

When I became Chief Justice, the jurisdiction of the High Court extended over one of the largest States in India, the undivided State of Bombay. There were three linguistic groups, the Marathi-speaking, the Gujarati-speaking and the Kannada-speaking. The language of the majority group in the area was the language of the Court. All documents and evidence were in that language. Only the judge took down the depositions in English and wrote his judgment in English. These came to the High Court with the Original Record. If there was any dispute as to what the witness had said, we always referred to the signed deposition of the witness in his own language. Although the documents were translated, we always referred to the original if necessity arose. The administration of justice presented no difficulty, and every one was happy, and yet we broke up this great State in the sacred name of linguism.

When we decided to set up our States on a linguistic basis it was clearly a turning point in our history, and in my opinion we took the wrong turning. Every linguistic group in our State had its own culture, art and music fully safeguarded. We lived on the best and most cordial terms. And I cannot help thinking that the politicians raised the flag of language, in order to have more States, and this way, more Governors, High Courts, Chief Ministers, Cabinets, Legislatures, and the rest of the paraphernalia of state administration. There would be more patronage to distribute and more scope for nepotism. Today one of the great dangers facing India is linguistic fanaticism. It can be as bad as, if not worse than, communal fanaticism.

When I left the High Court we were right on top of arrears. There was not a single income-tax reference pending, and not a single Original side appeal, because all ready references and appeals were disposed of by the end of every year. Second appeals and Civil Revisional applications were also fairly up-to-date. I

myself did a large number of second appeals and Civil Revisional applications, because I knew that the second appeal brought a long litigation to an end, and a Civil Revisional application, unless disposed of, prevented the legal process from getting started at all. The only headache was first appeals, and I was unhappy only about these.

Kania offered me a judgeship of the Federal Court before the Constitution came into force. He assured me that in the ordinary course I should succeed him as Chief Justice when he retired. Poor man, he did not know that he was to pass away before he reached his retiring age. I declined the offer because I thought that I was doing more useful work as Chief Justice of Bombay, than I would be doing as a puisne judge in the Supreme Court. Among others, I consulted Setalvad. He agreed with me that I should not accept a puisne judgeship, but should accept the Chief Justiceship if it was offered to me after Kania retired.

When Kania died, I understand Setalvad, unknown to me, strongly pressed my claim with Nehru. Nehru seemed agreeable. Setalvad soon after sailed for England. And I have this from his junior, G. N. Joshi, that when Setalvad returned and Joshi met him at the airport, Setalvad asked him whether I was settled in Delhi. Joshi told him what had happened. It transpires that the judges of the Supreme Court threatened to resign if the seniority rule was not followed, and the Government yielded to the threat. Looking back, I am not sorry that this happened. I would not then have had the varied career which I eventually had. This is yet another of those "contingents" which changed the course of my life.

Few Chief Justices have had the dubious privilege of an attempt on their lives. I was one of the few. On a Saturday morning, when the Court was not sitting, I was working in my office at Chief Justice House. At about 11 o'clock, my chopdar came in and told me that someone from Dhulia wanted to see me. I asked the chopdar whether he had an appointment with me. The chopdar said he did not, but the man had said that the matter was urgent. In my early days as Chief Justice I believed that I should be accessible to anyone who wanted to see me.

But I found that this experiment did not work in practice, as there were too many litigants who wanted to come in and discuss the cases pending in the Court. I, therefore, decided that if any member of the Bar wanted to see me, he could come in at any time without an appointment, but with regard to non-lawyers an appointment had to be taken and the reason for the appointment given to my Secretary.

In consonance with this practice, I did not want to see this man from Dhulia. But the chopdar came back again with the message that the man had come all the way from Dhulia, the matter was very urgent, and I should not deny him an audience. I was about to relent when my daughter who had gone out and had just returned, burst into my room and said, "Daddy, you should not see this man". I asked her with some surprise, "Why? He is a poor man, he has taken all the trouble to come here, and it would be very hard-hearted on my part to refuse to see him". All that she could say in reply was "Daddy, I do not like the man's appearance and so please do not see him". Something in her voice made me uneasy. I, therefore, called my chopdar and told him to ask the man to see my Secretary in the High Court, and get an appointment after telling him of the nature of the business.

When the man found that I was not prepared to see him, he made a sudden dash for my office. The chopdar tried to prevent him, but he quickly whipped out a huge knife and stabbed the chopdar. In the meantime, my son and son-in-law also appeared on the scene, when the man tried to stab them also. Fortunately, there were two policemen with rifles outside the gate of Chief Justice House. They were stationed there because of certain riots that had broken out in the city just before this incident. And although I had told the Government that I did not want any special security, since I did not see any reason why anyone should want to harm me, the Government insisted that for routine security reasons these policemen would continue at their posts till the situation in the city had calmed down. One of these policemen came rushing in, and when he found that this man could not be overpowered without mortal risk, he shot him dead. The knife was found to have poison on it and obviously the man

had come with the deliberate intention of killing me, and but for the warning given by my daughter, prompted by what strange instinct I do not know, I would not today be writing this book.

The Government instituted a searching enquiry into the background of this person and about his possible motive, but the enquiry did not yield any result. The surprising thing about the episode is that I had never seen this man, I had never known him, there was no litigation which he had in the court, and there was no earthly reason why he should have wanted to do away with me. The news of the attempted assassination spread all over the city. Mr. Shantilal Shah, who was a member of the Bombay Government, and living close to me, rushed to my house, and only left when I assured him that the situation, as we say, had been restored to normality. That evening I went to the Club as usual to play bridge, and everybody was surprised to see that I was there. I told them that I was safe and sound, and had not even had a shock, and I saw no reason why I should go into retirement because someone had threatened to take my life.

I think I have stated enough, and perhaps even too much, and sometimes, indeed, in a rather vain-glorious manner about my life and work as Chief Justice. The final verdict on a judge rests with history, but we cannot wait until history is written and, therefore, a judge must be content, in the short run, with the verdict of the Bar which is the final arbiter of whether he has discharged his duties satisfactorily or not. This verdict came in the form of a reference which was made when I retired in September, 1958. No reference to a judge could have been kinder, more considerate and more flattering than the one that was made to me. I was so deeply touched that when I replied to it, I was, I must confess, almost on the point of breaking down, and it was with some effort that I retained control over myself, and was able to finish my speech. I am including at the end of this book as one of the appendices the speeches made, and my reply.

When the Advocate-General of Maharashtra, Mr. Seervai, received at the hands of the President a well deserved award on

Republic Day, I wrote to him a letter of congratulations and there was a reply to it. I cannot resist the temptation of reproducing it, though in the virtual certainty that I will be accused of conceit and egotism.

25-2-1972

"Many, many thanks for your most generous and heart-warming letter of congratulations. As I read the announcement of the award, my mind went back to the very case you mentioned in your letter, and I said to myself that part of the credit for the award belongs to you, and the Court of first instance and the Court of appeal over which you presided with such distinction.

In forty years at the Bar I have known no such court as yours. And I keep telling young men at the Bar that no one can do justice to your work who has not felt the wonderful atmosphere of that court: the bright face, the unflagging attention, the humour, the kindliness, the courtesy. As in Kanga's chamber, so in your court it was always sunshine; but towering above all this was the feeling of absolute confidence that in your Court every nerve would be strained to see that right was not worsted and that wrong did not triumph. It seems to me that no honour conferred by the State can equal the honour of having provided a court whose memory will remain with lawyers and litigants as long as they can remember anything; and the honour of having written one of the longest and finest chapters in the annals of a great Court of Justice. From this belief I have never wavered, and never will.

With best wishes and kindest regards,

Yours sincerely,
H. M. Seervai."

I cannot resist the temptation of including also as an appendix an article Palkhivala wrote in the *Indian Express* on my retirement—such, I am afraid is human vanity. I would not have included it if he had written it while I was on the Bench. Everyone worships the sun when it is in the sky, but few will care to pay tribute to it when it has set. I am wholly sincere when I say that I do not think that I deserve half the kind and generous things

he has said about me. But it is an article that brings out more of his own personality than of mine—generosity of the heart, magnanimity of spirit, and a power of expression which proves what a great language English is when used by a master craftsman.

The public of Bombay was also very kind to me. They gave me a civic reception, and the Mayor at the time happened to be Mirajkar, who was one of my clients in the Meerut Conspiracy Case. Both sides of the Bar and the solicitors entertained me to dinner, and there were several other functions to wish me goodbye. I really do not know whether I deserved so much kindness at the hands of so many of my fellow citizens.

A Chief Justice, or for the matter of that, any judge, can play one or more roles outside the court, and outside his judicial functions. Of course, to a certain extent, isolation and detachment from social life are essential for a person who occupies that high post, because only by maintaining such a posture can one create in the public mind the requisite confidence in the man's integrity, independence and detachment as a judge sitting on the Bench. But apart from this, it is always open to a judge to say to himself, "I shall do my allotted work which is heavy enough as well as I can, and for the rest of the time, I have a right to live my own private life". On the other hand, a judge might equally take the view: "Because I am a judge I do not cease to be a citizen. I should take a live interest in the contemporary scene. I should play my full part in all the activities which concern the general welfare of my fellow citizens. In short, I should become a part of the life of my city and even of my State and my country, in a way that does not, of course, affect my official role as a judge". Having had a political background, and being keenly interested in public life, and in intellectual, cultural and artistic matters, I decided not only to be the Chief Justice, but also a public-spirited citizen of the city in which I lived.

I made one exception to this, however. I made a clear-cut distinction between civic and political affairs, and strictly and conscientiously eschewed all controversial political issues. But politics is not the whole of life. I was glancing through the press

clippings of the years that I was Chief Justice, clippings which my wife had so carefully and conscientiously preserved, and I found old memories coming back thick and fast of the innumerable functions I had attended, the portraits and statues I had unveiled, the exhibitions I had opened, the musical festivals at which I was present, and the film awards that I had given. Add to this, the conferences bearing on diverse matters that I inaugurated or presided over, and I am sure you will see that dedicated as I was to my work in the High Court, outside it I led a very full life indeed. But the judicial person in me remained unaffected; in Court I had no friends and no enemies, and no personal relations whatever. To the extent it was humanly possible I tried to rise above prejudices and predilections. My friendships and my private life came alive only when I left the court premises.

It would be impossible to recount the bustle and the activity that filled my days in these eleven pregnant years, and even if I could, most of them would be of no interest whatever to the present-day readers. The purely personal side of the past lingers only in the memory of the person who has lived it; to others it is of no significance whatsoever. But there are certain important episodes to which I must make a reference, more particularly two, because these in their own way led to some interesting correspondence between Morarji and myself on the one hand, and between me and Nehru on the other.

On November 12, 1950, I delivered an inaugural speech at a Publishers' Exhibition in Bombay, an innocent enough undertaking in itself. Twelve days later I got a letter from Morarji containing his reactions to my speech, and I replied to it the very next day, giving my counter-reactions. Morarji was not to be out-done. A rejoinder came by return of post written in his own characteristic handwriting. These three letters are important as being typical of the attitude, the approach and the bent of mind both of Morarji and myself. On the part of Morarji, they bespeak his extreme sensitivity, his resentment to any criticism, and also, I must in fairness admit, his sense of absolute rectitude, his very genuine desire as far as possible to uphold the rule of law, and the prestige and respect of the judiciary, not to speak of his very real friendship for me. My reply also shows up my own

peculiar weaknesses—the emphatic, and perhaps needlessly aggressive, assertion of my right to speak my mind, however much it might displease the Government, and an inability, perhaps, to moderate my language and an incurable tendency to call a spade a spade. I am annexing these three letters as Appendices.

In June 1953 I presided over a meeting organised by the India-Africa Council in support of the Africans in East Africa. Nehru wrote me a letter with regard to this meeting, and as is my practice in such cases I replied to him the next day. These two letters, like the other lot, indicate my views about the limitations that can be imposed upon a judge with regard to his participation in public affairs, and the nature and extent of those limitations. These two letters also I am reproducing as Appendices.

There was yet another incident which caused a lot of comment and criticism. That was the 60th birthday celebration of the American negro singer, Paul Robeson. Robeson was a musician of international fame and politically of distinctly leftist leanings. I accepted the presidentship of an All-India Committee that was set up to organise the celebration. American opinion was very disturbed, first, that we were celebrating Robeson's 60th birthday and, secondly, that I, as the Chief Justice of Bombay should have accepted the presidentship. Nehru wrote to me about this, saying that there was a good deal of excitement and some distress in the upper circles of the U.S. Government about the celebration. He stated that it was pointed out to him that a person who had maligned the United States and even expressed himself in favour of overthrowing the Government by violence should be boosted in India, was something that would be interpreted as an unfriendly act by the United States Government. Nehru made it plain that far from objecting to the celebration being held, or to my being the President of the Committee, he wholly approved of it, but only requested that I should keep politics out of the meetings and other functions that might be held in connection with this event.

The Consul-General of the United States here came to see me and rather pontifically told me that what we were doing would

be completely misunderstood in his country, and America would presume that this was one more piece of evidence that we were heading straight for the Communist camp. It might be explained here that McCarthyism was in full swing at the time in the United States, and the cold war at its coldest. I pointed out to the Consul-General that there were no political implications whatsoever in our desire to honour Paul Robeson, that we looked upon him as a great artist and as an ardent humanist who had fought for the cause of human dignity, a cause which was very dear to us, and to freedom-loving Americans as well. I also explained to him that I would never have accepted the presidentship of the Committee unless I was assured that the Committee constituted would not be used as a platform for political propaganda against any country.

I drew his attention to the fact that people like Dr. C. P. Ramaswami Aiyar, Dr. C. V. Raman, Mrs. Kamaladevi Chattopadhyaya, Justice Gajendragadkar and the Chief Justice of Madras were also members of the All-India Committee, and he would agree with me that whatever he might think of my own leanings, no one could accuse any one of those others I had mentioned of being communist-minded. I also assured him that the Committee was not concerned with the political views held by Mr. Robeson, nor were we interested in his quarrels with the American Government. We wanted to honour someone who was a great American citizen, and I actually invited him to join the Committee. He replied that having heard my explanation, he could appreciate the real meaning of what we were doing, but it was more difficult for people in distant America to take the same detached view. He asked me what we would think if Americans were to celebrate the 60th birthday of Sheikh Abdullah. My reply was that if Americans thought that Sheikh Abdullah was a great artist and a great humanist, we would not have the slightest objection to the celebration of his 60th birthday.

In my presidential address at the Paul Robeson 60th Birthday Celebration in April 1958, I stated that in Robeson's view it was the duty of an artist to give expression, through his medium, to the sufferings of his people, to use his art to give them hope

and solace, and the assurance that one day they would reach the promised land. Robeson felt that an artist must use his art as a powerful weapon to wage war against cruelty, oppression and inequality. Robeson was fighting against the insolence and arrogance of a "superior" race, and the sense of dominance which comes from a lack of pigmentation in the skin.

I also drew the attention of my audience to the fact that there were 28 countries where Committees had been set up, and who were paying tributes to this great artist, and, as a matter of fact, the initiative for these celebrations came from a country in the West—England—one of America's allies. A very strong and powerful Committee had been set up there, and among the members were the Lord Bishop of Birmingham and Earl Baldwin of Bewdley, and I did not think that either of these venerable gentlemen could be accused of being communists. I ended my speech with the reminder: "We have been told on high authority that 'it is the humble who will inherit the Kingdom of God'. If there is a God, and God is only another name for compassion and kindness, the Negroes must be dearer to Him than any other people, because today they are the oppressed and the downtrodden. I have no doubt that they would inherit the Kingdom of Heaven".

A lecture I delivered on "Individual Freedom and the Welfare State" under the auspices of the Mysore University, was the occasion of another clash between me and Morarji Desai. It was a "Shrikrishna Rajendra Silver Jubilee Lecture", instituted at the university. This has been published in full in another book of mine. I reminded my listeners that it is a cardinal point in the democratic faith that the State exists for the individual, and not *vice versa*. He is the pivot around which society revolves, and the main function of the State is to ensure his welfare and help the individual to develop his personality to the full. I made the further point that to reduce the diversity of life to any one uniform pattern to which all must conform is to deny the uniqueness of individuality. The State cannot judge what is good for every citizen. Its opinion of what is moral and what is immoral can only be a reflection of the experience of those who form that opinion. That experience would not necessarily be the same with

regard to those upon whom the moral standard is sought to be imposed. It is the essence of morality that it should be based upon individual experience and individual judgment.

I also drew a distinction between social good and individual morality, and emphasised the fact that one essential requirement of social legislation was that it should be capable of being enforced. I said that a State can always try to impose a law through the coercive agencies of the State, but there always was a natural and practical limit to the sovereignty of the State, and that limit was set by inability to get the acquiescence of the community as a whole to the law that had been passed. I quoted the observations of Allen from his book, *Morality and the Individual*: "A little too much law and you turn the moderate drinker into a dipsomaniac, the agnostic into a blasphemer, the enlightened employer into a gradgrind and a flirt into a prostitute". I added, after quoting these remarks, that these words should be inscribed at the entrance of every legislative chamber in India to warn the enthusiastic legislators who are in a hurry to change human nature and improve individual morality. Morarji Desai took strong exception to this part of my speech and wrote to me protesting against it. He said that he had the impression that these remarks were aimed at the prohibition law. I am annexing his letter of August 18, 1954, and my reply of the 19th as an Appendix.

In November, 1947, the All-India Conference of Social Workers had its first session in Bombay, and I, as Chairman of the Reception Committee, welcomed it. One major point in my speech was that both the great religions of India, the Hindu and Muslim religions, have inculcated a philosophy which has had the unfortunate effect of making man tolerate the worst social evils. The Hindu with his doctrine of *Karma* often believed that what a man suffers in this life is preordained, and that he is born in this world to expiate the sins that he committed in his past life. Equally, the Muslim, with his theories about *Kismet*, believed that suffering, if destined, is unavoidable and had to be gone through cheerfully. This is the attitude of mind we had to fight against. There is nothing inevitable or ordained about poverty, disease or illiteracy. It is a comfortable and convenient philosophy which people, to whom the gods have been kind and

who have been brought up in the lap of luxury, hug to themselves in order not to be reminded that millions of unfortunate men in this country are forced to live in the most abject poverty and in conditions which are a disgrace to any civilised society.

In 1948 I inaugurated the Silver Jubilee celebration of the India Law Society in Poona. I paid a deserving compliment to its devoted and enthusiastic Secretary, Principal Garpure, of the Poona Law College. I remember that Principal Garpure had arranged a lunch for me. This was a *thali* lunch, and everyone sat on the floor, but for me he had a rather imposing chair and table at which one could eat comfortably. I declined the honour, or if you like, the degradation. I asked Garpure whether he looked upon me as an untouchable, and therefore excluded me from sitting down with the others on the floor. The chair and table were quickly removed, and I ate my lunch squatting on the floor, though I must confess I was not very comfortable, not being accustomed to that style of eating.

I also inaugurated the Spring Lecture Series in Poona in 1950. I spoke on the subject *Law and Liberty*. I told my audience that democracy proceeds on the fundamental axiom that absolute power is corrupting, and that it should not be reposed in any one body of men. Therefore, a democratic system of government always contains limitations upon absolute power. I emphasised the point that something that the democratic spirit considers to be of the greatest significance is the importance of the individual as such. There must be faith in the uniqueness of a personality, and there must be constant readiness to permit a person to experiment with his own life and to work his own way to salvation.

I also opened the All-India Cultural Conference at the time. I warned that there was a marked tendency to propagate a drab and dreary outlook on life and go about our business with a grave and solemn look on our face. My appeal to the artists and men of letters, as always, was to set their face against these tendencies. I wanted the people to work hard, very hard, but at the same time know how to enjoy themselves, make the best of life. Puritanism in any form or shape is like a cold blast before which culture must

shrivel and wither. Hearty spontaneous vice has a greater chance of salvation than frigid or cloistered virtue, because the former may see the error of its ways, but the latter must perish in its own sense of righteousness.

I must recall the 10th Session of the Indian History Congress, where I was Chairman of the Reception Committee. The Congress itself was presided over by Mr. Habib, who was my contemporary at Oxford and who was at that time Professor of History at Aligarh. In my speech I referred to what I thought was the true pattern discernible behind the vicissitudes of our history. Our history, rightly visualised, has been a history tending towards unity. Nowhere else in the world can one see such a synthesis of different religions, cultures and ideas as in this country of ours. In the varied and manifold diversities there is a golden thread running through it all, the oneness of India. Alien invaders of diverse origin have come, and India has absorbed them. New civilisations have appeared, have been triumphant, but after a time they have been assimilated into the Indian system. Our greatest thinkers and statesmen have in their time dreamt of Indian unity, and if the movements of our history have a rhythm, this is the rhythm which they indicate. Looking back, I can detect a prophetic note in my speech when I said that there was a great necessity in our country, which has recently won its freedom, to guard against the corrupting influence of power, and there is nothing which can act as a greater and better safeguard than a study of history. I quoted the English historian, Sir John Seeley: "Politics are vulgar when they are not liberalised by history". I also quoted Lord Acton, another English political philosopher. "The science of politics is the one science that is deposited by the stream of history like grains of gold on the side of a river". At the conclusion of my address I repeated the exhortation of Lord Acton to the historians, "to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong".

In June 1952 I inaugurated an important conference convened by the University of Bombay Teachers' Association at the Convocation Hall in Bombay. At that time public opinion was agitated over a reported decision of the Bombay Government that it was

going to change the medium of instruction in the Bombay University from English to the regional language. What was worse, and positively offensive was a directive, issued to professors and lecturers in Government Colleges, that they should not express any opinion in public on the subject. I said that I hoped that the report that such a directive had been issued was not true. But, if true, it should be condemned in the strongest terms, and I did so. I asked how Government College professors, who were members of the Syndicate and of academic bodies, could be restrained from orally expressing an opinion on a matter of such vital importance. It was one thing to say that they must carry out the policy of the Government, but it was another to say that they could not discuss the merits of an educational policy which was yet to be decided. I maintained that the question of the medium of instruction was a national question.

As early as 1952 I saw the danger of regionalism and linguism carrying everything before it. I reminded the audience that English had a great unifying influence, and today it was undoubtedly the most important international language. As far as India was concerned, it had been the language of higher education, the language of administration and the language of justice for nearly a century. I said that I did not think for a moment that English should never be replaced. I would be the first to say "scrap English and replace it with a national language". But the danger that had to be faced was that English was to be replaced, not by a national language but by the regional languages, and at a time when the ever-present fissiparous tendency had already been aggravated by the waves of regionalism that were sweeping across the country. Twenty years have elapsed since I uttered the warning. I did not know then that a time would come when I would resign from the Union Cabinet on this very issue. My readers can judge whether my forebodings have come true, and the threat and danger that I feared has not increased.

I also spoke on education and psychology in 1955 to the Institute of Integrated Education. I said that it was a very happy idea of the organisers to call that Institute an Institute of Integrated Education, because what life requires is an integrated personality. Such a personality is the basis of happiness and fulfilment. An

integrated personality is only possible if you give human beings an integrated education. Most of us suffer from conflicts of diverse kind and origin. We have ideals, spiritual cravings, which are not always satisfied by the surroundings in which we are compelled to live. We find the world making tremendous advances in material progress, but it remains static or lags behind as far as moral progress is concerned. As there is in every human being something of the poet and something of the saint, this vital aspect of his life and personality is never fully satisfied. A man may progress, he may make money, he may turn out wonderful things, but so long as this inner conflict is not resolved, there will always be restlessness and discontent. I noticed that no degrees were to be conferred in this Institute. I said that true education should generate certain human values, which a man should understand and appreciate and keep in view in regulating his conduct through life and this required neither a degree nor a job for its fulfilment.

Having been something of a journalist myself in the early days, although a starving journalist, I had great pleasure in delivering the inaugural address at the Indian Federation of Working Journalists on October 31, 1954. On the freedom of the press I said that the press must not only be free in the sense that there should be no legal compulsions about what it should print and what it should not. It must also be free in a more important sense. It must be free from advertising and commercial influence, and the influence of the financiers.

I took a lot of interest in scouting, and along with Bhulabhai Desai we had drafted a constitution for a proposed Bharat Scouts and Guides. The Bharat Scouts and Guides represented a revolt against Baden Powell's movement, which seemed to have certain colonial and racial overtones. I had worked as a Provincial Commissioner of the Bharat Scouts, and in 1952 was appointed State Chief Commissioner.

My involvement in the general life of the community was intimate and wide-spread; my interests were equally varied. The closer I look the longer seems the list of public occasions at which I spoke or over which I presided. As a wholly different kind of body, I must now mention the Democratic Group of the Indian

Merchants' Chamber, which I addressed in 1954; and again in the manner of the prophet, as it seems in retrospect, of course, I said: "A wealthy man today has no right to say 'This is my wealth, I will do what I like with it. I will spend it, I will squander it, I will waste it.' It is only when a wealthy man realises that he is a trustee for his wealth to a large extent that he will be able to resist the oncoming tide of socialist philosophy which is not going to countenance any inequality in our society. It is only when the rich man says, 'I believe in social equality and I will hold my wealth in trust, and will conform to the policy which has not already come, but is coming very soon', that there will be a future in our country for a free mercantile community". I think such a policy has already come. Whether there is a future for private enterprise or the private sector still remains to be seen. With regard to the duty I preached to wealthy men, very few wealthy men, I am afraid, are left. And with the present system of taxation, no man can be really wealthy if he pays his taxes honestly.

I have always been deeply interested in the arts. In April 1955, I presided over a very large meeting in Bombay to felicitate M. S. Subbulakshmi when she was awarded the title of "Padma Bhushan". I called her the Mira Bai of South India, and said I was sure that there was much more in her than mere dedication to art. She had associated her music with service to great causes, and had made her art an instrument in the service of humanity.

There was an exhibition of Soviet Films, Art and Technique, in which I took part, and which I cannot ignore. It caused a certain amount of controversy. I inaugurated the festival. I said: "We hear of a Soviet iron curtain. I do not know whether it is true or not, but I cannot take judicial notice of the fact. However, we do not want any cultural iron curtain between U.S.S.R. and India". Nehru himself came to the Excelsior Theatre in Bombay to witness the exposition of Soviet films, art and technique, and I presided on that occasion as well. I said that some people were looking with suspicion at my association with artists hailing from a nation with whose politics and political ideology India might not agree. But I emphasised what seemed to me was a truism—that art and culture had an existence apart from politics. While

politics was parochial and ephemeral, culture and art at their best had universality and permanence. An artist might have been born in a particular country, but if he is a great artist, we think of him as belonging to the world as a whole. The greatness of an artist's creation can sometimes be measured by the degree of its appeal outside the milieu in which he works. All this had a sequel somewhat unexpected. My speech found an echo in some far-off places. I received a letter from my friend Kania, who was then the Chief Justice of India. He wrote to me that he had received information from a reliable source that this event had been widely publicised by the Tass Agency in Moscow with the implied suggestion that the judges of the High Court sympathised with the Communist movement and appreciated their arts festival. Kania added that it seemed to him that in the present atmosphere it appeared undesirable for any judge to give any opportunity to the Soviet Government to misrepresent our views. I immediately replied that I could not understand how any responsible person could in fairness object to the Chief Justice participating in a purely cultural function. I pointed out that the Soviet Republic and ourselves were on friendly terms. We had an Ambassador in Moscow, and they had an Ambassador in Delhi and any attempt to understand the culture of a friendly country should be commended rather than frowned upon. Those who disliked these activities should rather turn their attention to the Prime Minister of India and ask him to sever diplomatic relations with the Soviet Republic.

To turn to a more innocuous type of function, the task of inaugurating the Centenary celebrations of the J. J. School of Arts in 1957 fell to my lot. I underlined the need to have a Faculty of Fine Arts in the Bombay University, and I observed that education tended to be lop-sided unless facilities were offered for the study of art and culture. I had always regretted that a University like that of Bombay, should not have a Faculty of Fine Arts and had constantly pressed for the establishment of such a Faculty.

Here I should also like to mention my tours in the districts although, strictly speaking, they have no connection with the social and artistic matters I have been speaking of. They were more in the nature of official tours undertaken in my capacity as

Chief Justice. I thought that it was absolutely necessary in order to do my administrative work properly to have a first-hand knowledge of the working of the subordinate courts in the districts. Therefore, during my tours I visited every single district in the State. Before I started on my tour I issued two instructions to the District Judge. The first was that any entertainment should not be on a lavish scale, or entail large expenditure. I had heard that some of my predecessors while on tour had been treated more like royal visitors, than as the head of the judiciary. The District Judges used to vie with one another in an attempt to please the Chief Justice by extravagant expenditure on receptions and dinners. I wrote to the District Judges quite frankly that I could not be expected to judge the capacity of a District Judge by the manner in which he spent money on entertaining the Chief Justice. Far from improving his prospects and his chances of being promoted to the High Court, I would look upon this as a positive black mark against him. When I was at the Bar I had also heard that addresses given by the Bar to the Chief Justice were presented in silver caskets, with the result that a Chief Justice could collect a lot of silver before he retired from office. I made it clear that while I would be grateful for any address that the Bar might present to me, it should not be in a silver or any other kind of expensive casket.

Whenever I went to a district headquarters, I normally stayed with the District Judge, visited his court, met his staff and drew my own conclusions as to how he functioned as the head of the judiciary in the district. But I also made it a point to go to the court of a junior Civil Judge. That court often constituted the foundation of the administration of justice over which the mighty superstructure was raised. The first time I went to such a court the Judge got up from his seat as soon as I entered. I said nothing then, but sat down next to him to see how he conducted the case. Afterwards I told him that he should not have got up, because he was the presiding authority over his own court, and however high my position, I was strictly an outsider. All that he need do if he wanted to show respect to me, was to bow to me, but not get up from his chair. These instructions were afterwards conveyed to the junior Civil Judges well before I visited their

courts. One of the things I noticed was the terrible surroundings in which the junior Civil Judges had to function. I found nothing that was conducive to the proper working of a court. There was no library, sometimes not even elementary text books; an indifferent Bar and a ramshackle building. However, I must, in passing, pay my tribute to these worthy men who, working in such conditions functioned very capably and to the satisfaction of the litigating public.

During my tenure as Chief Justice I also served on the Law Commission which was appointed for the purpose, among other things, of making justice simple, speedy, cheap, effective and substantial.

Setalvad reveals in his *Autobiography* that he had suggested my name as Chairman of the Commission, but was ultimately prevailed upon to be Chairman himself. He had as his colleagues myself and another Chief Justice, Wanchoo, who was the Chief Justice of Rajasthan. I must say I was very happy to work with him as a colleague. The Commission worked under two sections —the first section dealt with the question of the reform of judicial administration, and the second section was concerned with the revision of the statutory laws of the country. I was in the first section along with Motilal and Wanchoo and also Satyanarayana Rao, a retired Judge of the Madras High Court. In carrying out our functions we toured the whole country and visited every High Court. It was a veritable Bharat Darshan. There was only one High Court, I now forget which, that I could not attend with my colleagues, because at the time I was far away at The Hague as a member of the International Court. Motilal wanted the visit to this particular High Court to be postponed till I returned, but I insisted that they should get on with the work, because I thought it was undesirable that the report of the Commission should be delayed for too long. Wherever we went, we examined a large number of witnesses. Setalvad as the Chairman was alert, dignified, detached. Wanchoo as a member of the I.C.S., was meticulous about all the information he required, while Satyanarayana Rao was perhaps the most hard-working member of us all. As always, I think I played the part of the stormy petrel.

Motilal in his *Autobiography* has paid me a compliment by saying that I was a tower of strength to the Commission. I do not know whether I deserve the compliment, but I concentrated on three aspects: I cross-examined witnesses searchingly in order to get sufficient material, first, for improving the terms and conditions of service of the judges; second, for ensuring that the legal profession preserves its eminence by maintaining high professional standards and a proper system of legal education; and third, for securing an immediate separation of the executive from the judiciary with regard to which there was considerable procrastination in some of the States. I remember one Chief Secretary, who came to give evidence, strongly opposed the separation. I had to submit him to a prolonged cross-examination, in the course of which I frankly told him that I was shocked that his Government should hold such reactionary views in the year 1954, when the poor man had to confess that the views he was so vehemently putting forward were more his own personal views than the views of his Government. I think he realised from the strong line I took, that he would be in trouble if he involved his Government in the views which I had characterised as reactionary and unworthy of any modern country. I signed the report, I think, only a few days before I left for the United States.

The Law Commission's report has suffered the same fate as reports of most other commissions. After a Commission has reported, Government usually takes its own time to pass the necessary resolutions, accepting whatever recommendations they think should be accepted and implemented. By the time this is gone through, the country has all but forgotten the reason for the appointment of the Commission and its recommendations. The matter has ceased to be urgent and important. Then the report passes into the massive archives maintained by the Government, and is useful only as a source of knowledge for future scholars and historians.

To sum up my tenure as Chief Justice, those eleven years for me constitute the most fragrant rose in my life. The perfume still endures, and whenever the cold winds of December blow more severely than usual, I seek refuge and consolation in the memory of those years, when life seemed worth living, and existence had a purpose and a direction.

CHAPTER EIGHT

Acting Governor

ON October 4, 1956, I got a letter from Nehru, asking me that I should act as Governor, as Dr. H. K. Mahatab, the then Governor, was leaving Bombay about the 15th of the month, and the Governor-designate, Sri Prakasa, would take charge only about the third week of November.

Although I was to act for a very short time as Governor, I had certain definite ideas about the role that that high dignitary should play. I certainly did not believe that the only function of a Governor was to attend receptions, weddings, social functions and to receive V.I.Ps., who came to Bombay. If the Constitution had provided for a Governor, the Constitution intended that he should have a definite part in the scheme of things. In a letter I wrote to the President I stated:

> "Before I became Governor, I used to take the view that Governorship was a rather expensive superfluity and the Raj Bhavan was the centre of pomp and panoply, rather unsuited to our democratic and socialistic ideas. After staying for two months in Raj Bhavan, I completely changed my mind and came to realise that in the administration of the State the Governor can and should play an important part."

I went on to add:

> "The most important role of a Governor is to advise his ministers and to warn them of the possible consequences of

any policy they may wish to initiate or any legislative measure they may decide to place on the statute book. In order to carry out this duty properly the Governor, even though he may belong to a party, must look upon himself as above parties and as a representative of all sections of the State. For this purpose, it is equally necessary that the Ministers must be in constant contact with him, and must place all the relevant material and information before him, so that he is kept in a position to offer proper advice. The Governor must not be looked upon as being apart and aloof, sitting in isolated glory in Raj Bhavan, and only required to put his signature on various documents which the Constitution requires should bear his signature, or for the purpose of perusing files dealing with matters which have already been disposed of and which are of no interest to anyone except to history.

"It is also essential that the Governor should be in touch not only with his ministers but with all sections which are not represented by the party in power. He can then act as the channel of communication between the sections in opposition to the party in power and the Ministers. He should know what the complaints or the grievances of these sections are, how the various legislative measures affect them, and what their wishes are with regard to the new legislation. He can thus present to the Ministers a composite picture of the opinion in the State.

"As the head of the State, the Governor has to meet all the important dignitaries that visit the State, to whom he is the spokesman not only of the State but of his country; and as he is the first man whom these dignitaries meet, the impression that he creates upon them is of the utmost importance.

"The Government must not look upon Raj Bhavan as a part of the State. Although the Governor may not have powers and responsibilities, under the Constitution he is the head of the State and independent of the Government. He is also the sole agency through which the President can gather what is happening in the State of which he is the Governor and, therefore, in his letters to him he should give a frank and objective appraisal of what is happening and what the people are

thinking in the State. He should be the eyes and ears of the President.

"It is apt to be forgotten that the Constitution envisages the possibility of a Governor having to administer the State in the case of an emergency. Emergencies are not in the habit of announcing themselves beforehand and, therefore, unless the Governor is fully seized of all aspects of administration, he would not be able to discharge his functions adequately if at any moment he is called upon to administer the affairs of the State."

I tried to live up to the principles which I enunciated.

I had a slight brush with Morarji Desai at the very outset of my tenure as Governor. I was giving a State Dinner, and I settled the list of my guests with my Secretary. My Secretary then told me that the Chief Secretary had enquired why I had not asked the Government of Bombay to suggest the names of guests who should be invited to this function. I told my Secretary that he should let the Chief Secretary know that Raj Bhavan was my home, and it was for me to decide who should be invited I was quite willing to send to the Government the list of my guests I was willing to consider any suggestions they might make about inviting persons whose names I had omitted, and even to state any serious objection they had to any particular invitees. But the ultimate decision must rest with me. I must say to the credit of the Government that they accepted this formulation of the convention regarding invitations to State functions. Whether the convention was followed after I left Raj Bhavan, I do not know.

I had the good fortune in the short time that I was in Raj Bhavan of entertaining a large number of distinguished guests. I cannot, of course, mention all of them, but I will refer to two or three of the more important ones.

The first and foremost in this list is undoubtedly Chou En-lai, Prime Minister of China. Those were the days of *Hindi-Chini-Bhai-Bhai* and our relations with China were most cordial. During my time I have met many Prime Ministers and many foreign dignitaries, but I think Chou En-lai was the ablest and

most astute diplomat I have ever come across. He was also a man of the most charming manners and of great culture. He had, moreover, a keen sense of humour. In the itinerary that was drawn up for him there was included a visit to the Aarey Milk Colony. Chou En-lai said he did not want to see cattle but would rather meet human beings, and particularly artistes, actors and actresses. I told him that Aarey was a show-piece not only in Bombay, and in India, but perhaps in the whole of Asia, and I was most anxious that he should visit it. As for artistes, actors and actresses, I assured him I was arranging a special show after the State dinner at night, where he would see some of our best actors and actresses, and also some of our finest dancers.

Realising that I was very anxious that he should see Aarey, he ultimately accepted my suggestion, and, true to my promise, that night I organised one of the best shows—so I was told—that was ever put up at Raj Bhavan. Chou En-lai was both pleased and impressed, and I remember he expressed a desire that a song from the film "Awara" which, he said, was sung all over China, should be sung by one of the pretty actresses. The actress obliged, and Chou En-lai enthusiastically applauded in appreciation.

Of the many talks I had with him on international relations one I particularly remember, and that was about China's admission to the United Nations. He told me that China was not going to beg or go down on her knees for admission to the United Nations. He said a time would come when the world would want China to come into the World Organization, and China could well afford to wait until that time. As recent events have shown, he was truly prophetic. Of course, he profusely thanked India for supporting China's cause, and fighting so consistently for her admission.

At the State Banquet which I gave I said that India and China had to march hand in hand not only to build up a new India and a new China, but also a new Asia, and in his reply he expressed his own belief that friendship between India and China was undoubtedly the most important factor in safeguarding world peace. The year 1962 was still far away. I observed that in politics the friends of yesterday were the enemies of tomorrow,

and political friendships were notoriously ephemeral—perhaps I had an unconscious foresight of what could happen six years from then. But I hastened to add something that, unfortunately, did not come true: "But our friendship was of the heart, and the bond between India and China was historical, cultural and spiritual. For thousands of years there has been friendship between the peoples of the two countries. Centuries before the days of modern transport, caravans from the two countries had exchanged merchandise." I reminded him that it was in our country that Buddha preached his religion and philosophy and the light that ultimately shone with such magnificent splendour all over the world, was originally lit in the land through which the Ganga and the Jamuna flow. And his country and mine vied with each other in paying respect to one of the wisest and most compassionate of men. I concluded on a fervent note: "In a mad and wicked world we have pledged ourselves to sanity and peace. Our two countries jointly can not only promote a climate of peace but give to the despairing world the hope of peace and security." The hope was to be dashed to the ground, and peace and security was to be threatened and ceaselessly threatened.

Another notable visitor was Emperor Haile Selassie of Ethiopia Though he traced his descent from King Solomon and Queen Sheba, and was proud of his lineage, I found him at heart a very simple and God-fearing man. I went with him to Poona where he visited the Penicillin Factory, the National Chemical Laboratory and the National Defence Academy. He was greatly impressed by all these three institutions. In the National Defence Academy there were admitted students from foreign countries, and at the time there were two or three from Ethiopia. I naturally asked them to come and meet their Emperor. To my surprise, as soon as they entered, they prostrated themselves before His Imperial Majesty. I have always resented this prostration and touching of feet by one human being of another. It undermines the whole principle of the dignity and equality of man.

The Emperor was very much impressed with the Raj Bhavan in Poona, where we stayed, which, I may add, was not the original Raj Bhavan—this has now been presented to the Poona University—but quite a tiny symbol of the greatness and glory

of olden times. I think it used to be only the Governor's Secretary's house. But the Emperor was very much struck by the architecture of the building, and he asked me to send him a plan to Addis Ababa after his return to his country, as he wanted to put up a building similar to the one where we were staying. There is a fairly large Indian business community in Ethiopia, and I learnt that the majority of foreign teachers in Ethiopia were Indians. The Emperor was particularly interested in the welfare of the Indian community in Ethiopia and had always shown the greatest consideration for these enterprising men. I realised this from the enthusiastic reception that was given to him by the Indian merchants here doing business with Ethiopia at two well-attended functions held in Bombay in his honour.

Earl and Countess Attlee were two other guests. They had a very warm and hearty reception, and large crowds turned out to greet them. There was a general impression that Lord Attlee had shown great courage and statesmanship in arranging a peaceful transfer of power, and consequently he enjoyed enormous goodwill in the country.

The Prime Minister of Burma also came here in connection with the Asian Socialists' Conference. I offered him the hospitality of Raj Bhavan but he declined, since he took the view that as he was a socialist and was attending a conference of Socialists, and also as the Socialists were in opposition to the Government, it would not be proper for him to be the guest of the Government. I called on him and told him I understood and appreciated his sentiments.

Two other prominent visitors were the Dalai Lama and the Panchan Lama. The Dalai Lama with whom I was to have frequent contacts subsequently, was a man of great personal charm. Although he is very spiritual and God-fearing, he does not believe in sitting on a high pedestal, removed from ordinary mortals. The Panchan Lama struck me as more of an astute politician, than a religious head.

I received two instructions from Delhi about the Dalai Lama's visit. One was that I should give the Dalai Lama strict vegetarian food and, if it were possible, women should not be invited to

the state banquet. I carried out the first instruction to the letter and prepared a *thali* dinner. The second I refused to comply with because, I said that there was at least one woman who had to be present at the State Banquet. That woman was my wife. I did concede, however, to the extent that although protocol demanded that the Dalai Lama should sit on the right of my wife, I agreed that I would sit next to the Dalai Lama and thus avoid any offence to his religious susceptibilities. The dinner went off very well and the presence of my wife and the other lady invitees in no way affected its success. But there was a surprise from an unexpected direction. The next morning my A.D.C. came to me and unbelievingly told me what the Dalai Lama wanted for breakfast. Apparently the Dalai Lama had asked for kidney and sausages. So much for Delhi's knowledge about the culinary habits and tastes of important visitors.

There was a reception at the Chinese Consulate for the Dalai Lama. A large number of Indians were present, and the Indian women, as is our custom, joined their palms together in greeting him, but he insisted that he would shake hands with them instead. So much, again, for Delhi's knowledge about the inhibitions attending on the Dalai Lama's social life.

There is another personal detail which is worth recording. We had our usual Security Officer on duty for the Dalai Lama who was given a very fine guest-room. I was later informed that at the least opportunity the Dalai Lama would rush to the sea, which surrounds Raj Bhavan. He later told the Security Officer that the sea was the most enthralling sight he had seen. In Tibet they had the grandeur of the mountains but not the grandeur of the sea.

I had also as my guest the Prime Minister of Nepal. I was surprised to find what a close similarity there is between the Hindi and Nepali languages. I could quite easily carry on a conversation with his wife, who did not know a word of English. I told the President in my periodical report that this was an extra feather in the Hindi cap.

While I was still Governor I opened the First World Theatre Conference sponsored by the International Theatres Institute of UNESCO. About 40 delegates from 20 countries attended the

conference, besides 25 delegates from this country. In my speech I observed that by holding the conference in India it became possible for the countries of the East to join the World Theatres movement. The East was awake and on the march, not only politically but also economically and culturally. Unless the East joined in the cultural movement, such a movement would lack completeness and adequacy. I referred to the open-air theatre in Bombay, sponsored by the Government, and pointed out that such theatres were absolutely essential in villages. More than anything else, drama could play a great role in an all-round education of the villagers, taking them forward several steps towards a welfare State. Drama could have a greater effect on the minds and hearts of the people than speeches by politicians or radio talks.

Another annual meeting that I inaugurated was that of the Central Board of Irrigation and Power. I knew precious little about irrigation and I was rather nervous about addressing eminent men in this field and on so technical a subject. When it was decided that I was to inaugurate the conference, my Secretary came to me and offered to write my speech. I reminded him that I had been delivering judgments for the last 15 years and nobody ever wrote my judgments. I would prepare the speech myself: all that I wanted was full instruction, the technical data on irrigation, on what the conference was about, and what it sought to achieve. I received a very useful brief from my Secretary. It brought back to my mind the memory of my days at the Bar, when I had to work up a case from a brief prepared by a solicitor. After the Conference many of the engineers came to me and expressed their surprise that I should be such an authority on the subject!

During my tenure of office one important development was the resignation of Morarji Desai as Chief Minister, and his departure for Delhi to join the Union Cabinet. A large meeting was called to bid farewell to him and I presided over that meeting. In my speech I praised Morarji's non-communal outlook. I said that Morarji was, on account of his secular outlook, able to instill into the minorities a sense of oneness with the nation. I also praised him for his resoluteness and decisiveness, qualities that are desirable in any kind of leadership. I commended the sense of

integrity he brought to bear in the administration of the State, and acknowledged the fact that he had not tried to exert any influence over the judiciary. I remarked somewhat light-heartedly that he had mellowed a great deal during the past few years, and was more willing to allow for human frailties.

I remember I also presided over the Golden Jubilee celebrations of the Bank of India. Ever since its inception I have had my account with this Bank, and in my speech at the function I recalled that when I was a briefless barrister and on the verge of starvation, I had written a cheque for a small amount which was about a rupee more than what stood to my credit in the Bank, and the cheque was promptly dishonoured. In the speech I made I appealed to the Bank authorities present to be more considerate towards briefless barristers in future, and to have faith in them, and also to bear in mind that some briefless barrister might be presiding over their Diamond Jubilee ten years later.

Perhaps the most important event during my tenure of Raj Bhavan was the formation of the bilingual State on November 1, 1956, along with the reorganisation over the rest of India. The State came to birth at Raj Bhavan just after midnight of October 31. A very large gathering had assembled at Raj Bhavan and I announced that I had appointed Mr. Yeshwantrao Balwantrao Chavan as Chief Minister, and on his advice the Ministers recommended by him. Before the swearing in of the Chief Minister I gave a dinner to which I had invited all the Ministers, Deputy Ministers and their wives and also the Ministers-designate. Before the inauguration of Maharashtra State at midnight I was sworn in as Governor by the acting Chief Justice, Coyaji; and I, in my turn, administered the oath of office to the Chief Minister and his colleagues and the Deputy Ministers. In the message that I issued I stated that the old State of Bombay had the distinction of being considered the premier State in India by reason of the integrity, efficiency and high sense of duty which characterised its administration. Both Gujaratis and Maharashtrians collaborated in bringing the State to its eminence, and contributed in equal measure to its welfare and prosperity. I appealed to the Gujaratis and Maharashtrians to sink

their differences and forget the recent misunderstandings, and work together in the service of the State and dedicate themselves to its well-being and progress. I added: "Whatever else we may forget, we must not forget that primarily we are Indians and our first loyalty is to our country; and I have no doubt that this bilingual experiment is in the interest of the country. Ours is a multilingual, multicultural community. Through many diversities runs the silken thread of Indian unity. It is essential that all of us, whatever our religion, whatever the language we speak, and in whatever region we reside, should be conscious of this unity. And there is no better way of asking people to be conscious of this unity and the need for strengthening and consolidating this unity than by the spectacle of people speaking different languages working together for achieving a particular object."

Alas, my appeal seemed to have fallen on deaf ears, because soon after, as we all know, this bilingual State was broken up into the State of Gujarat and the State of Maharashtra. I have always hated partitions, and it was my misfortune to have witnessed so many in my time. The first was the partition of our country; then came the partition of the large Bombay State as a result of the recommendations of the States Reorganisation Commission. After that there was yet another partition, that of the bilingual Bombay State. And finally, I was to see the partition of Punjab (about which I have spoken while dealing with the work of the Das Committee, of which I was a member.)

I am emphatically of the opinion that partitions solve no problems; they only accentuate and emphasise regionalism and linguism, and undermine and endanger the unity of the country. Partition makes us parochial. It requires us to put the loyalty to our own region above the loyalty to our country. What is happening in many parts of India today bears testimony to what I have just said. There are disputes between different States over the use of river water; there are disputes about State boundaries. And we seem to be behaving as if each State was an independent country instead of a part of the same country. We seem to forget that the prosperity of each State contributes to the prosperity of the whole country, and yet we fight about the location of steel mills or fertilizer factories, however unsuitable the particular

region might be for the erection of a steel mill or some other plant there.

I handed over charge as Governor to Sri Prakasa on December 10, and went back to the High Court, to more congenial surroundings, to do the work I was meant to do, work to which I was so deeply attached.

Sri Prakasa had been at Cambridge with Jawaharlal Nehru. He was an amiable man, and also a man of great culture. He rendered me a piece of service for which I shall always be indebted to him. When I resigned as Chief Justice, and left for the United States to take up my assignment as Ambassador, one knotty problem arose. I was staying at Chief Justice House, which was the official residence of the Chief Justice, and I had no private house or flat. I had stayed in that house for eleven years, and the question was what I should do with all my belongings and my papers which had accumulated over the years. One does not realise until one leaves a house how the house gets cluttered up with all kinds of things, which one has not taken the trouble to sort out or to discard. My two sons, to whom also I am thankful, helped me to arrange and classify the piles of papers which my wife had conscientiously preserved, work without which this book could never have been written. Some of my valuable things, I left with my friend, Vasant Velinker, but the real problem was my library. I had collected a large number of books on history and politics when I was at Oxford, and through the years I had built a library whose value, to me, was inestimable. I did not know what to do with all my books.

Two or three days before I left India, Sri Prakasa came to see me at Chief Justice House. He remarked that I was looking very gloomy and careworn, and asked me what the trouble was. I told him that what worried me was what I should do with my large collection of books. "If that is the only problem, that can be easily solved," he said. "Transfer the whole of your library to Raj Bhavan, and when you come back from America you can reclaim it." I almost embraced him out of gratitude, because he had taken a tremendous load off my shoulders. The library was duly installed in Raj Bhavan. When I returned from America

Sri Prakasa told me about what Prince Philip had remarked when he stayed at Raj Bhavan and was looking at my library, which he thought belonged to Sri Prakasa. "I see you are very fond of biographies and autobiographies." Sri Prakasa replied that this reflected, not his taste in reading, but mine.

I returned, then, to the High Court and to my more familiar functions as Chief Justice. I did not realise, as, indeed, I could not, that I was not to complete my full term and that the contingent was to play its rôle again and divert my life into an altogether new direction.

CHAPTER NINE

Life Insurance Corporation Inquiry

I WAS staying with Setalvad in Delhi, when I received an invitation to dinner by the Home Minister, Pandit Govind Ballabh Pant. I could not understand why this sudden and unexpected token of hospitality, for I could think of no possible reason why Pant should want me to see him. At the dinner there were only Pant and myself, and after talking casually for a while, Pant said: "Chaglaji, you have rendered many services to the country. We want you to render one more service to which the Prime Minister attaches the greatest importance".

I told him that I was always at the service of the country and the Prime Minister. Pant explained that I was required to constitute a one-man Tribunal to inquire into the affairs of the Life Insurance Corporation, which as everyone knew, had been before Parliament in some form or other, and had raised a great deal of controversy. I reminded him that I was Chief Justice and I did not relish the thought of leaving what to me was my legitimate work. He insisted that this was equally important; in fact, it was judicial work of the greatest importance. I was left with no option but to accept the invitation.

While we were still talking, T. T. Krishnamachari walked into the dining room. I cannot say whether he was expected or not. When he sat down, Pant told him that he had just secured my acceptance of the proposal that I should constitute a one-man Tribunal to inquire into the affairs of the L.I.C. I could see

from T.T.K.'s expression that he did not welcome the idea at all—either he did not like the inquiry, or did not like my being the person to conduct it.

Before I started the Inquiry, I had to take one or two important decisions. I insisted that the Attorney General, Setalvad, should appear for Government in the investigation. I did not want him to appear for Government as though it were a party to a dispute, but as Government was as much interested as I would be in arriving at the truth, his primary function would be to assist me in arriving at a proper decision. The second decision that I took—and this I did after considerable thought and hesitation—was that the inquiry should be in public. I explained in a statement I issued that the public inquiry constituted a very important safeguard for ensuring that the decision would be fair and impartial. The public was entitled to know on what evidence any particular decision was based. Members of the public in possession of any relevant material would also be in a position to come forward at any time to throw more light on the facts disclosed by the evidence. I said that I believed that justice should never be cloistered, but should be administered in full view of the public.

I was very glad that I had come to that decision, because, although nothing so exciting as sex or violence was involved, and the inquiry dealt only with commercial and financial transactions, yet the public interest the inquiry aroused was truly amazing. Never had there been such popular interest in the functioning of a Tribunal, nor had one been given such country-wide publicity. Newspapers covered the proceedings at length and in great detail, sometimes reporting every word of what a witness had said. Wherever I went, the talk was all about the inquiry. I was inundated with questions. Chavan told me he was in Calcutta when the inquiry was going on and was amazed to see the rush for the newspapers every morning as everybody wanted to know what had transpired the day before. I was proud of the fact that the public was taking so much interest in the inquiry. Everyone instinctively realised that important principles were involved that concerned the integrity of our public life and the administration at high levels. It also showed that democracy

in our country was genuine, and was functioning vigorously. The public also quickly recognised that no less a person than a Cabinet Minister was on public trial, showing thereby that even a Cabinet Minister was not above the law, nor beyond the scrutiny of a judicial inquiry.

The essential facts which led up to the constitution of this Tribunal were very simple. There were six public limited companies in which Haridas Mundhra was involved, known as the Mundhra concerns. Mundhra himself was a noted, or notorious financier whose interest, as it seemed, was not to enhance the financial resources of the country or to improve its economic condition. His sole concern was to play with crores of rupees, buy over concerns, manipulate the share market and spread his financial empire as widely as possible.

Mundhra came to the witness box before me. I found him to be a colourful personality, extremely able and quick-witted, and prepared to dodge any inconvenient question, or give a plausible answer when dodging became difficult or impossible. His personal appeal was undoubted, and his capacity for evasion or sabotage so far as it related to the inquiry, infinite. The Prime Minister who was acting as Finance Minister in the absence of T.T.K. and had read the papers relating to Mundhra which were submitted to him, had made a note on September 19, 1957, namely, "so far as I know, the reputation of this gentleman is not good".

The ball was set rolling in the Lok Sabha on September 4, 1957, by Dr. Ram Subhag Singh who asked what seemed to be a fairly innocuous question: "Will the Minister of Finance be pleased to refer to a report in the *'Statesman'* (Delhi Edition) of August 3, 1957, to the effect that a sum of Rs. one crore from the funds of the L.I.C. had been invested in a private enterprise with its headquarters in Kanpur, and state (1) the name of the private enterprise in which funds have been invested, (2) what the total amount of investment so far is, and (3) reasons for investment of the funds in private enterprise?"

My readers will recall that Life Insurance had been nationalised by C. D. Deshmukh when he was the Finance Minister, and the L.I.C. had been constituted as an autonomous body. It had

large funds at its disposal, which were made up of premiums paid by lakhs of people for insuring their lives as a security in their retirement, old age or death. Naturally, therefore, both Parliament and the public were vitally interested in the way these funds were invested by the L.I.C.

The most unfortunate and, to my mind, the most inexcusable thing that T.T.K. did was giving an equivocal reply to this question. There is no doubt that the Finance Minister had all the facts in his possession at that moment. If he had made a full and frank disclosure to Parliament, he might have been criticised, there might even have been a debate on the issue—but possibly nothing further would have been heard about the matter. But T.T.K. is not only a very able man but he is also a very proud man, who does not suffer fools gladly. I have a suspicion that he had a secret contempt for the members constituting the Lok Sabha who, he knew, did not understand much about finance. T.T.K. himself was a master of finance, perhaps one of the ablest Finance Ministers we have ever had, and he very likely thought it a waste of time to apprise Parliament of what had been done about investment of this large amount, and the reasons for doing so.

Now Parliament has also a sort of collective pride, and is prepared to forgive many things to a Minister, if he expresses his regret for a lapse or an oversight, and is willing to recognise his responsibility to Parliament. However grave a man's faults, Parliament can always be generous; it tries to take a lenient view of the mistakes committed by a Minister, if no disrespect as such to Parliament is involved. Take the case of Mr. Profumo in British politics. Undoubtedly his action constituted a moral lapse, but the real reason why he had to retire from public life and sink into oblivion was that he lied to the House of Commons; and the House never forgives a deliberate lie told with the intention of deceiving the members.

I do not want to go into the details of the L.I.C. inquiry. But the main question I had to decide was why such a large amount was invested in the six Mundhra concerns when the Finance Minister himself had on the floor of the House laid down his fam-

ous Blue Chips policy, which meant that the funds at the disposal of the L.I.C. would be invested only in shares of companies which were absolutely sound, and which had a high reputation in the share market. In the face of this openly expressed Government policy, it was surprising that as large a sum as Rs. one crore was invested in companies whose shares could by no manner of means be described as Blue Chips. The second question I had to determine concerned the identity of the person who really had given instructions for the purchase of these shares. Was it the Minister, or the Finance Secretary, who at that time was Mr. H. M. Patel? Or did the L.I.C. on its own indulge in what might be called financial high-jinks? Further, what was the procedure and what the basis for fixing the price? Was the Committee of Investment set up by the L.I.C. consulted? And if so, was its advice acted upon? And finally, was this merely an investment deal, or was the investment intended primarily for the purpose of salvaging Mundhra who was admittedly at the time in serious difficulty, and was desperately in need of being rescued?

The notification appointing the commission was issued on January 17, 1958. The terms of reference were: establishing whether the purchases in the six Mundhra concerns were in accordance with the normal business principles or practice, the propriety of the purchase, the person or persons responsible for the purchase, and any other circumstance which to the Commission may appear to be relevant. I signed my report on February 10, 1958. It is a matter of pride to me that no tribunal other than this—and hundreds have been appointed—has ever been able to submit a report in less than a month of its appointment. By nature I like to have quick results, and if I undertake a job I feel compelled to finish it as soon as I possibly can. I sat day after day in a small office in the Council Hall, which the Government had put at my disposal. I sat five hours, the same as I would if I was functioning as the Chief Justice. The evidence completed, the arguments concluded in the afternoon of a particular day. From the office in the Council Hall I went first to my chamber in the High Court. I had a cup of tea with my colleagues in the Judge's Library, as usual. After that I went back to my chamber and started dictating my report. It took me two and a

half days at a stretch to finish the job. I signed it, sealed it, and sent it by a special messenger to Delhi. The conclusions I came to were that the deal was suspicious, that proper formalities had not been observed, that the directive for the investment was given by the Finance Secretary but the responsibility for it must be assumed by the Minister, and that the real purpose of the deal seemed to be rather to help Mundhra than to advance the interests of the Corporation. I ended my report by saying that the inquiry would serve no purpose whatever if no general lessons could be derived from it, and I added: "If I may say so, without undue presumption, the following principles seemed to be established as a result of a careful consideration of all the material that has been placed before me:

(1) Government should not interfere with the working of autonomous statutory corporations. If they wish to interfere, they should not shirk the responsibility of giving the directions in writing.

(2) The Chairman of the Corporation should be appointed from persons who have business and financial experience and who are familiar with the working of the various stock-exchanges.

(3) If executive officers of the Corporation are to be appointed from the Civil Service it should be impressed upon them that they owe a duty and loyalty to the Corporation, and that they should not permit themselves to be influenced by senior officials of Government, or surrender their judgment to them. If they feel that they are bound by the orders of these officials then they must insist on these orders being given in writing.

(4) The funds of the L.I.C. can only be used for the benefit of the policy holders and not for any extraneous purpose. If they are to be used for any extraneous purpose that purpose should be in the larger interests of the country. The public is entitled to an assurance from the Government to this effect.

(5) In a parliamentary form of Government, Parliament should be taken into confidence by the Minister at every

stage, and all the relevant materials must be placed before it. This would avoid difficulty and embarrassment being caused at a later stage, when the Parliament gets the necessary information from other sources.

(6) A Minister must take full responsibility for the acts of his subordinates, and he cannot be permitted to say that his subordinates did not reflect his policy or acted contrary to his wishes or directions.

The seventh recommendation is not of any particular interest, and is not therefore given here.

At the hearing, T.T.K. gave evidence. I offered him a chair which he declined, and proved himself as a witness to be both able and astute. But the facts were too strong for him, and in answering my questions he often found it difficult to explain clearly some of the things that had happened. The other important witness was H. M. Patel, the Finance Secretary, and I found it difficult to reconcile the evidence of these two key witnesses. Mundhra also stepped into the witness box, and gave his evidence in a nonchalant, cocksure manner, unaffected by the blaze of publicity that attended the inquiry, or the fact that he was the real cause of all the trouble. Far from being repentant he seemed to enjoy the fact that he was instrumental in getting the attention of the whole country concentrated on what was happening in a small office, and himself as the cynosure of all the eyes.

There are one or two remarkable points connected with the inquiry which I must mention. One of these was Sir Jamshedji Kanga's application to allow him to represent T.T.K. at the inquiry. I gently but firmly turned the application down. I asked him, "Since when, Sir Jamshedji, are witnesses allowed to be represented by counsel at a hearing?"

The second relates to what happened after the inquiry was over, and I had signed and despatched my report. I think it was on the very next day after I had sent it off, that Frank Moraes and Feroze Gandhi—Gandhi it may be recalled took up the matter in Parliament, and fought the battle for probity in public ad-

ministration with all the zest and persistence of which he was capable—came to see me at Chief Justice House, with news that they had discovered an important document which somehow could not be traced during the inquiry. As far as I remember, it was the pad, to use a parliamentary expression, which they said was given to the Finance Minister when he answered the original question in parliament with regard to this matter, and which, as I saw, contained information which he did not then disclose. I told them that as far as I was concerned I was *functus officio*. I had nothing more to do with the inquiry, or the report, or the results. My report would be considered by the Government and the Government would come to its own decision. And therefore it was the Government, and not myself, that they should approach with the document they were carrying.

Yet another ticklish point arose, and this brought me into direct conflict with the Prime Minister. Nehru had the highest opinion of T.T.K. Nehru always admired people who had high intellectual calibre, who had plenty of drive, and had the capacity to get things done. T.T.K. had all these three qualities in abundance. It was one of Nehru's weaknesses that he was always prepared to overlook major faults in people in high office, if they possessed the three personal assets which I have mentioned. Nehru became uneasy and then indignant at the enormous publicity that was being given to the inquiry and the unsavoury facts that began to emerge. He jumped to the conclusion that the man who was conducting the inquiry was somehow to blame for all this.

I for my part wanted a public inquiry for reasons which I considered were sound and logical. But the nature of the issues was such that an element of drama and sensationalism could not be excluded. Public interest was roused to fever pitch and the press rushed in to satisfy the curiosity. Lengthy, detailed reports appeared, and were given the greatest publicity.

Thousands of people tried to enter the office where I sat, and had to be turned away. Thousands more stood outside hoping to catch a glimpse of one or the other of the star witnesses. One day the crowd was so large and became so unruly that it looked

as though they would storm their way into the office. The Police Commissioner decided on his own to install a loudspeaker outside the office so that the people could hear all that was being said.

I did not know anything about the loud speaker. But in the afternoon when I came to know about it, I sent for the police officer concerned, and asked him why he had taken this step without my permission. I told him that while justice should not be cloistered, at the same time the proceedings in a court of inquiry should not be treated as a theatrical performance. He apologised to me, and explained in his turn that it was under pressure of circumstances, and because of a threat to public peace and order that he had, on his own, taken a decision to put up a loud speaker. I accepted the explanation and thought that the matter had ended there.

But there was a sequel. Either on the same day or soon after, Nehru happened to address a public meeting at Chowpatty, and to my surprise made a pointed and sarcastic reference to loud speakers being installed in connection with the L.I.C. inquiry, as though there was an intention to broadcast the proceedings. I immediately wrote to him and told him how and why the loud speakers came to be installed, and agreed with him that a judicial inquiry should be conducted with dignity and decorum. Nehru always had innumerable things, big and small, to attend to. But he displayed his usual promptness on the occasion, and replied to me the very next day. "I am glad you wrote to me and cleared up this matter", he said. "I might mention that my remarks in Bombay were directed to people". I suppose what he meant by this was that the remarks should not be construed as an insinuation against me.

But something more happened, which struck me as rather unfortunate and uncalled for. It might have been the same day that Nehru addressed a meeting at the Indian Merchants' Chamber, where as it seemed to me, he went out of his way to pay a high compliment to T.T.K. I cannot help remarking that it was hardly proper, when a judicial inquiry was being held involving the conduct of a Minister, for the Prime Minister to pay that very Minister a compliment in public. And when the report was

out Nehru's laconic comment was that T.T.K.'s part in the affair was the smallest, and T.T.K. did not even know much of what was being done.

When it came to the question of T.T.K.'s resignation, I know that he had set his face firmly against T.T.K.'s quitting, and I also know first hand that it was entirely due to Maulana Azad's intervention that the Prime Minister was compelled to call for the resignation of his Finance Minister. Azad is reported to have told Nehru that it would cause a national scandal if after the disclosures in my report he continued to retain T.T.K. in the Cabinet. I know Nehru was very angry with me, and did not hesitate to show his displeasure. When T.T.K. ultimately resigned, the Prime Minister went to the airport in person to bid him farewell, a gesture that was unique in the annals of our parliamentary history. Krishna Menon, posing himself as the custodian of public morals, also very self-consciously went to T.T.K.'s house, and drove with him from there to the airport almost as a public demonstration of his own vote of confidence in him.

But all this did not worry me. I had done my work conscientiously, and had come to my conclusions irrespective of whether they pleased or displeased the Prime Minister or any one else. That was satisfaction enough. I knew from the innumerable letters that I received and from the comments in the press that the public accepted my decision as just and fair. It would be an exhibition of sheer vanity on my part to quote from the many letters that I received, but there is one special word of commendation to which I would like to refer because it emanated from someone of the highest status and authority in the country.

Dr. Humayun Kabir was at that time the Minister of Civil Aviation. On March 10, 1958, he wrote me a letter, and I quote the relevant extract:

> "I was away in Australia at that time, and after I returned, you were busy with the inquiry, L.I.C: purchases...May I, now when the whole affair is over, send you my sincere congratulations for your extremely able judgment. I was talking to Dr. Rajendra Prasad the other day. He considered it one of the best judgments ever delivered, and expressed the opinion that

even if half a dozen of the best Judges of the world had been brought together, they could not have produced a more judicial and judicious document".

This was very high praise, indeed, and I can attribute it only to the generosity of heart of our late President.

There are people who are always reluctant to praise anyone for work well done. They feel as if they were parting with something very precious. On the other hand, if it came to running down someone, they would do so with the utmost relish and alacrity. It requires a generosity of spirit and a magnanimity of heart, to appreciate the work done by another, and to give him his meed of praise.

CHAPTER TEN

International Court

IN September 1957 I was appointed an *ad hoc* judge of the International Court of Justice. The case before the Court concerned Portugal which claimed to have the right of passage through the territory of India in order to ensure communications between its territory of Daman and its enclave territories of Dadra and Nagar Haveli.

Before I deal with the case itself I would like to say something about this Court. It is the judicial organ of the United Nations. In a democratic country a Municipal Court is expected to see that the rule of law is maintained and any violation of the rule is adequately punished. But unfortunately there is no settled rule of law in international affairs. International law is still in the process of evolution, and although the United Nations Commission on International law and the International Court itself have laid down certain principles which are now generally accepted as forming a body of rules, and which should be observed by all nations as governing international relations, International law has not yet acquired that certainty or continuity, which are the outstanding features of Municipal law.

When one talks of law, one immediately thinks also of the sanctions that make the law enforceable. But, the greatest single deficiency of the International Court is that although it may pass judgments, or give decisions favouring one country or another, it has no machinery to enforce its decisions. The only machinery, if

it can be called that, is the power given to the Security Council to take adequate measures against the country which defies the decision of the Court. But constituted as the Security Council is, with the power of veto given to each of the great powers, that machinery, to say the least, is a very fragile one and has rarely been effective.

Another serious weakness of the Court is that although under the Charter only eminent jurists representing different cultures and civilizations of the world are expected to be nominated to the Bench, in reality, the appointments are very often political in character. Judges are elected for a term of 9 years on a very handsome salary, and in order to be elected a judge the candidate must obtain a majority of votes both in the Security Council and in the United Nations Assembly. The inevitable result is that a great deal of lobbying and canvassing has got to be done. The very idea of an elective judge is anathema to anyone brought up in the tradition of British jurisprudence. The very idea of a judge carries the requirements of impartiality and detachment.

But, I must confess that it is difficult to replace the present system of election by a more satisfactory one. Unfortunately not only is the judge elected, as I said, for a term of 9 years, but he has a right to seek re-election. This means that towards the end of his term, he has to start thinking about his voters and of the countries whose suffrage he will seek. I think one reform which is essential and which can be easily brought about is at least to appoint a judge for a fixed term without the right of standing for re-election. If necessary the appointment could last for life, or for a longer period than the present 9 years. Once a person is appointed a judge of this highest tribunal in the world, he should be completely insulated from the heat and dust of political life.

The International Court is housed in the Peace Palace at The Hague which was built as a result of a Peace Conference convened by Emperor Nicholas II of Russia in 1899. This Palace has a truly international character, and there are to be found here displayed magnificent presents given by various countries, as symbols of their will to peace. I pointed out to our Government when I went to the Court, that our own gift as it stands in that collection makes

a poor show, and is totally unworthy of the country that has produced a Gandhi and a Buddha. India is only represented by a poorly made bust of Gandhiji, tucked away in one of the corridors. I do not know whether we have yet made amends for the lack and sent to the court a contribution worthy of our well-known traditions and our constant endeavours in the cause of peace.

Apart from the Palace itself, The Hague is one of the dullest and drabbest cities I have ever visited or lived in. It has a foul climate, but I should not grumble about this, because history records that it is in less salubrious climates that genius has often flourished. Oxford and Cambridge, for instance, are notorious for their climate and yet are great seats of learning that have produced outstanding men in all walks of life. And at the Hague itself I had as my colleagues some of the finest jurists in the world.

One serious defect in the organisation is that jurisdiction is voluntary, not compulsory. This arises from the universally accepted proposition that every nation is sovereign, and cannot be compelled to submit to the jurisdiction of any Court except when it voluntarily chooses to do so. The result is that every country makes a declaration specifying the subjects on which it will accept the jurisdiction of the Court. Further, there is what is known as the principle of reciprocity.

To illustrate this, both Portugal and India had made their declarations when the case came up before the Court, and the jurisdiction of the Court covered not subjects to which India had agreed, or to which Portugal had agreed, but only such subjects as were common to both the declarations. The United States may be said to have taken up an extreme position through its famous, or notorious, Connoly amendment. The effect of this amendment is that any matter which in the opinion of the United States falls within its domestic jurisdiction is excluded from the competence of the Court. This means that the United States is the final judge as to whether a certain matter falls within its domestic jurisdiction or whether it is a matter which can be decided by the International Court. This is like an accused person, who when put up before a Magistrate, says, "in my

opinion you have no jurisdiction to try my case," and by a previous agreement the Magistrate is bound to respect the opinion expressed by the accused, and the accused quietly walks out of the Court. One of the results of this extraordinary amendment is to hoist the United States upon its own petard, because if the United States were to seek to bring any other country before the bar of the International Court, that country as a result of the rule of reciprocity to which I have referred, could claim the same right, namely that the subject matter of the dispute was within its domestic jurisdiction, and thus prevent the United States from taking any issue in which it is interested to the Court. Sad to say, many other countries have followed the example set by the United States, and thus made the Court, instead of a strong and powerful organ of the United Nations, a mere shadow of what a Court ought to be.

The Court has 15 judges, but to this number, under certain circumstances, *ad hoc* judges are added. When a country has a dispute before the Court, and that country is not represented on the bench, it has the right to nominate an *ad hoc* judge, who sits with the 15 permanent judges, and has all the rights and immunities of the permanent judges. It is under this rule that I was nominated an *ad hoc* judge by India, and Mr. Fernandes by Portugal, as neither of the two countries was represented by permanent judges of the Court. I personally do not think this system of appointing *ad hoc* judges is a salutary one, or that it helps maintain the judicial impartiality of the Court. The justification for such a practice is that the unrepresented country should have the right to have a judge who would place the point of view of his country before the other judges. But surely this is a function of the Advocate who appears before the Court, and not the function of a judge. The judge is not there to fight the cause of his country, but to arrive at a correct and impartial decision. But the nations are so jealous of their rights and privileges that they cannot imagine a case going on before the International Court without their being represented either by a permanent judge or an *ad hoc* judge.

The importance and necessity of the International Court to settle disputes between nations is obvious and does not require

much elaboration. A few hundred years ago men used to settle their private quarrels by resorting to duelling or by raising bands of armed men to fight each other but would never trust a judge or magistrate to settle their dispute by judicial process. Fortunately we have moved away from those times and today most complicated and most bitter disputes between individuals and even between individuals and the state are settled by Municipal Courts and the decision however unpalatable to one party or the other is loyally accepted and carried out; and yet it is strange that in the international field we are still living with the traditions of those ancient savage and barbarous times. We still believe in deciding international disputes by resorting to arms and refuse to trust any impartial authority to bring about a peaceful settlement.

If I may sum up, there are three reasons why private disputes between citizens in any country can be peacefully settled. The first is the supremacy of law, the second is the existence of Courts of law to whose jurisdiction every citizen has compulsorily to submit and the third is that there is sanction behind the decision of the Court. The whole might of the state is behind the Court in seeing that its decision is respected and enforced. As I have pointed out, in the case of the International Court, none of the three conditions is present.

If I might repeat, there is no international law which is supreme and sovereign. There are treaties between States. They are supposed to have a binding force but whenever it suits a country they may be treated as mere scraps of paper. There is international custom and general principles of law recognised by civilised nations. But, as I have already said, international law is neither definite nor precise, nor have the sovereign States agreed to be bound by international law as declared by the International Court or by the writing of jurists and publicists. The Court has no right or authority to bring any State before it except with the State's own consent and at its own option, and finally there is no real sanction behind the decisions of the Court.

I would like to describe the procedure followed by the Court in arriving at its decision. It is the slowest and most cumbersome

procedure that the ingenuity of man could possibly devise. It is no surprise that in all the 12 years of its existence it had decided no more than 30 cases. In contrast, the Bombay High Court where I was the Chief Justice used to decide about 16,000 cases in a single year.

The hearing of the case, after the pleadings have been filed by the parties, commences with a public session in the great Hall of Justice. The Court is bilingual. The two languages recognised are English and French. It is open to an advocate to argue in either language. If the argument is in French it is translated into English, and *vice versa*. To use the expression 'argument' is really to distort its meaning, because in fact there is no argument, as commonly understood. The advocate solemnly reads out a statement, prepared, I am sure with great skill and labour, and the judges equally solemnly listen to it as it is being read from start to finish. They need not even listen to it, because that very evening they would get a verbatim copy of what the advocate has stated. Further, if you have listened to the argument in English, you would have nothing to do on the Bench when the French translation is in progress, except either to doze or to read something more interesting than the dull proceedings going on in Court. In fact, Sir Mohammed Zafrulla Khan used to read novels on the Bench, and the Norwegian representative, Klaestad, who was very devoted to music, told me that he used to play a symphony in his head.

There is absolutely no dialogue or argument between the judges and the Bar. The cut and thrust and the parry as between judge and counsel, which are among the great fascinations of the art of advocacy, and which bring out the best in the lawyer as well as the judge are completely absent. The judges are not expected to speak at all. My readers can well imagine what agonies of boredom I must have gone through sitting on the Bench without being able either to control the proceedings or to bring the advocate to the real point at issue, and thus cut the matter short.

I remember one day when the advocate for Portugal was arguing I felt that if a certain question was put to him, and if

he was asked to elucidate the position, much of the argument which seemed interminable could have been considerably shortened. Perfectly innocently, I drafted the question I had in mind, and passed it to the President. The President sent back a note to me to the effect that if I wanted to ask a question, the Court would have to adjourn, there would have to be a discussion on whether the question was proper and should be put, and a decision would have to be taken by a majority of the judges. It was clearly a case of the remedy being worse than the disease. Needless to say, I promptly withdrew the question, and allowed the proceedings to take their slow, uninhibited, accustomed course.

But the procedure for preparing the judgment is even slower and more ritualistic. It is known as the private session, and is held in a beautiful room called "Salle de Bol". The proceedings start with the juniormost judge expressing his opinion about the whole case, and then the other judges follow, expressing their views according to the order of seniority. This is a sound practice because, if senior judges were to give their opinion first, the junior judges might be overawed by the depth of experience and the vastness of learning shown by their senior colleagues. Working on the basis of the points so elucidated, the President prepares a questionnaire which sets out the real issues that arise for determination. The questionnaire is discussed and settled by all the judges, and then there is voting on each question. The majority is thus ascertained, and a Drafting Committee of three judges out of those constituting the majority is then appointed. The draft then comes before all the judges, and it is discussed in the greatest possible detail. I cannot give the reader an adequate idea of the enormous time and labour devoted to the grammar and the idiom, the punctuation marks, to the pondering on the precise meaning of every phrase and sentence of the judgment. Lengthy argument takes place, and here again if a judge speaks in English his remarks are translated into French and *vice versa*. After the amendments and alterations are embodied in the draft, it is read a second time. But before the second reading, judges who wish to give dissenting judgments must send them in to the Drafting Committee. At last, at long last, a vote is taken and the conclusions embodied in the draft as finally settled. This

vote is by a roll call, and every judge is bound to vote. The votes are recorded in the judgment without disclosing the names of the judges. Then the judgment is ready for printing, and is pronounced in open court.

I should like to say a word about some of my colleagues on the Bench at the Hague. The President of the World Court was Hackworth, a representative of the United States and whom I came to know very well. He was a judge after my own heart, full of common sense, impatient of technicalities and procedural details, and, like myself, bored to tears with the slow, tardy methods adopted by the Court for deciding cases. The Vice-President was Badawi, a representative of Egypt. He was a very fine jurist, fully conversant with the principles of international law. Then next to him in seniority was Goerrero, who represented El-Salvador. He was a man of wide culture and deep learning. I knew him well because he had occasion to make a statement before me on the privileges and immunities of the judges of the Court. This was in 1946 when I was the Chairman of a Sub-Committee of the Legal Committee of the United Nations. The one who came after him was Basdevant, the French representative, a very old man but possessed of a wonderful analytical mind. He had his own contribution to make to every point of importance in a draft judgment.

Sir Mohamed Zafrullah Khan of Pakistan was, I must admit, an extremely able and astute lawyer, but not a friendly character, and not very popular with his colleagues. He had married a young woman from West Asia, whom he kept in strict purdha, and one of the stock jokes among the judges was whether any one had seen Lady Zafrullah. The marriage, however, did not last long. It was well-known that he was also very tight-fisted. Every judge receiving a princely salary of $21,000/- a year tax-free and duty-free, naturally had a car, but Zafrullah did not. And every evening after the public session when we met in the robing room, the question was always asked whom Zafrullah had approached for a lift to his flat. But I must say on behalf of Zafrullah that his parsimony was not the result of any desire to leave a large fortune behind him. He spent all the money he had in the interest of the cause to which he was dedicated—the

welfare of the Ahmedia sect of Muslims to which he belonged. He spent as little as possible on himself so that he could save as much as possible for his sect. He even had put up a mosque for the benefit of his sect at The Hague.

Then there was also the famous jurist Lautrepacht, well-known as the man who edited Openheim's book on *International Law*. He was a charming conversationalist, and very much interested in India and Indian affairs. He was one of those who disliked Zafrullah. I remember his asking me to write to Nehru immediately to start doing the necessary lobbying among embassies and in the United Nations for our candidate, for Zafrullah was already engaged in doing this, as his term was about to come to an end, and he was anxious to be re-elected. Of course, the election was still far way, and Nehru thought that the time had not come to set the machinery in motion. But on Lautrepacht's insistence, I wrote to Nehru again and told him that other countries got started and tried to secure commitments well before the election.

I remember Nehru's asking me whether I would like to stand as a candidate, and I replied that I was still young and I did not wish to be buried alive at The Hague. But if he were to repeat the offer when I was 80 years old—assuming, of course, I lived to that age well, I might seriously consider it. The fact of receiving a princely salary did not attract me. To my mind the quality of one's life depends not so much on the art of making money as on the art of spending it.

When I returned from The Hague and duly submitted my income-tax returns the Income-tax Officer concerned pointed out triumphantly that in my papers I had not shown the salary I drew as Judge of the International Court. I wrote a scathing letter drawing his attention to the Charter of the United Nations to which India was a party. It was a wonderful and also a unique experience to earn a salary on which no income-tax is paid.

Among the other judges at the time there was Wellington Koo, the representative of what was described as China, but was really Taiwan. But two of my most intimate friends were Zorisic, who came from Yugoslavia and Armand-Ugon who represented Uruguay. The three of us stayed in the same hotel, "Hotel Des

Indes", and always used to meet after dinner to drink a liqueur and smoke a cigar. Zorisic was a very learned man and knew several languages. Armand was also a good lawyer but he did not know a word of English. My own French was very poor, and it was a difficult linguistic exercise to carry on conversation between the three of us but we seem to have managed all the same. Language was a great problem at The Hague. A majority of the judges did not know English but knew French, while the Russian Judge Kokevnav, knew neither English nor French.

Although Dutch is spoken only in Holland and nowhere else, the people are very devoted to their language. The result is that in the theatre, on the television and in the cinema the only language one heard was Dutch. My wife who was with me had a very bad time, because while I was in Court she had no one to talk to. And she could not spend her time viewing television or go to the pictures. Fortunately she had the company of Mrs. Motilal Setalvad. They became friends. They used to converse in Gujarati and go out shopping together. I had to keep my distance from Setalvad, as he was appearing for India in the case. I was a judge, and judges and lawyers are not supposed to fraternise when they are concerned in the same matter.

In the case before it, the Court had first to decide the six preliminary objections raised by India to the complaint brought by Portugal. The preliminary hearing lasted from September 23 to October 11, 1957. The case for India, as I have already mentioned, was argued by Mr. Setalvad, who was Attorney-General of India. He was assisted by Sir Frank Soskice, Q.C., M.P. and Prof. Waldock, Professor of Public & International Law at Oxford. Setalvad's arguments were, as usual, precise, to the point, and without any artifices or embellishments which often characterise the arguments of those who rely on them to bolster up a weak case. I may add that my colleagues were very impressed by the way Setalvad presented the Indian case.

The result of the hearing was that the Court decided against India on the first four preliminary objections which India had taken, while the fifth and sixth preliminary objections were made to stand over to the final hearing. I delivered a dissenting judg-

ment upholding all the objections except one. My Russian colleague went a step further, and voted in favour of India on all the preliminary objections. He wanted to demonstrate the solidarity that existed between the U.S.S.R. and India, but my judicial conscience did not permit me to vote in favour of India at least on one preliminary objection. But even as arguments were proceeding, it was clear that the Court would not put an end to Portugal's claim at that stage, but would have to proceed to a final hearing on merits.

After this preliminary hearing I returned to Bombay to resume my duties as Chief Justice. When I was appointed Ambassador to the United States I wrote to the Prime Minister tendering my resignation as an *ad hoc* judge, pointing out that as I was now proceeding to Washington, it would not be proper for me to continue in that judicial capacity. The Prime Minister forwarded my resignation to the International Court. But Klaestad, who had by then become the President of the Court, wrote to Nehru that I had been doing very useful work in the Court and that I should continue as *ad hoc* judge, and should not be displaced by someone else. Nehru changed his mind, and decided that in view of the opinion expressed by the President of the Court, I should go to The Hague for the public hearing from Washington.

The result was that I continued as an *ad hoc* judge for the public hearing which took place in September, October and part of November, 1959. India was again represented by Setalvad but the Indian team was further strengthened by Prof. Henri Rolin, a well-known Professor of International law in Brussels and Prof. Guggenheim from Geneva. On the side of Portugal, among others, was Prof. Bourquin, also a professor at Geneva. It was the proud boast of both Guggenheim and Bourquin that neither of them had ever lost a case before the International Court. In this case they were pitted against each other and one or the other would have to spoil his record. As is not uncommon in international affairs, when the decision came, both sides claimed victory although, as I shall explain, it was really India that was victorious since she successfully repelled the most substantial claim made by Portugal, which was that she, Portugal,

had a right of passage from Daman to Dadra and Nagar Haveli in respect of armed forces, armed police and arms and ammunitions. This claim was rejected by eight votes to seven and the only right that was conceded to Portugal was a right of passage in respect of private persons, civil officials and goods in general. This right, the Court also ruled by nine votes to six, India had not violated.

I might mention that during the hearings of the Court, I came to know Sir Frank Soskice very well. He seemed an extraordinarily modest man, and one day, to my surprise, he asked my advice whether he should accept the Speakership of the House of Commons as, apparently he had been sounded. I expressed my view that as a lawyer his whole life had been spent advocating causes, arguing cases and persuading judges. And in his place I should not view with enthusiasm a position which required one to sit quietly in exalted isolation and permitted one only occasionally to intervene when a point of order was raised or when passions were aroused. Soskice, as it happened, ultimately declined the offer of his name being considered.

With the conclusion of the India-Portuguese case, I thought my connection with the International Court had ended, but this was not to be so. Very recently, in 1970, I was requested by our Government to appear before the Court, to support the action that the United Nations Assembly and Security Council had taken against South Africa.

The matter arose in this way. The League of Nations had given a mandate in respect of South-West Africa to the Union of South Africa, and when the League of Nations was dissolved and the United Nations came into existence, the United Nations rightly took the view that South Africa was accountable to that organisation for the mandate and for the administration of South-West Africa. The mandate clearly laid down that South-West Africa was to be governed in accordance with accepted civilised principles, and in the interest of the people of the territory, and also for the purpose of ultimately enabling the country to achieve self-government. South Africa threw all the civilised principles to the winds, segregated the people, and

proceeded to enforce in its administration of the territory, the abominable policy of *apartheid*. The United Nations strongly objected to this, terminated the mandate of South Africa, and formally took over the administration of South-West Africa which was re-named *Namibia*. South Africa defied the decision of the United Nations, refused to hand over administration to that body, and claimed that by virtue of the mandate which had been given to her by the League of Nations she had the right to administer and govern, or rather misgovern, South-West Africa.

The Security Council sought the advisory opinion of the International Court with regard to the relationship between South Africa and Namibia, and also the obligations of the member States in its relations with South Africa in view of the decisions taken by the Assembly and the Security Council terminating South Africa's mandate. On behalf of the Indian Government, I strongly supported the action taken by the United Nations, and condemned the recalcitrant attitude of South Africa in defying the United Nations of which she was a member. I was assisted by Dr. Jakota, a Director in the Treaty Division in the External Affairs Ministry. I found him extremely able, with a wide knowledge of International law, and a full understanding of the attitude which India should take up before the Court in keeping with her avowed policy against racial discrimination.

Appearing at the bar before the International Court was an interesting experience. Having once sat on the Bench of the same Court, I felt a little strange being on the other side of the barrier, and addressing this august and awe-inspiring tribunal. I noticed a certain amount of modernisation. The most important change was the introduction of simultaneous translation, which avoided enormous waste of time. I remember when I was a judge of the Court, I had raised the question of simultaneous translation. My suggestion was strongly resisted, particularly by the eminent French Judge, Basdevant, who argued among other things that there should be enough time for review and reflection and that the current craze for haste and speed should not be blindly accepted by an authority which by its very nature should function slowly, deliberately and with the utmost caution.

When I was asked to go to the International Court, an inquiry was made of me about what fees I would charge, and I was told afterwards that the Government expected that I would mention a fairly large amount. But they were all surprised when they learnt that I would charge no fees, as I considered it an honour and a privilege to represent the Government of my country in a case which was very dear to my heart, and for which I had fought as far back as 1946 when I first went to the United Nations.

CHAPTER ELEVEN

United Nations and South Africa

IN the first popular government installed in Delhi in 1946 under the leadership of Jawaharlal Nehru in anticipation of the transfer of power in the following year, Nehru himself held the portfolio of External Affairs. Nehru had to appoint a delegation, which was to represent India at the 1946 session of the United Nations Assembly. To me, it was a high privilege and a matter of great pride that I was asked to be a member of the delegation. In the past, all the delegations to international conferences were naturally controlled by the British Government, and the views that were expressed at these conferences were dictated by the necessities of British policy. This was the first time that an Indian delegation was going abroad appointed by an Indian Minister, with instructions to pursue a policy which was in the interest of this country, and which in no way represented a subjection of Indian interests to those of the United Kingdom.

The delegation was to be led by Mrs. Vijayalakshmi Pandit, sister of the Prime Minister; and among my colleagues were Maharaj Singh, who subsequently became Governor of Bombay; Nawab Ali Yavar Jung, who is now the Governor of Maharashtra; Frank Anthony, the Anglo-Indian leader, at present a Member of the Lok Sabha; and Krishna Menon who subsequently joined us in London as an alternate delegate. Among the officials who accompanied the delegation were Bannerjee, at that time the Foreign Secretary and K. P. S. Menon, who subsequently became

our Ambassador in U.S.S.R. and remained so for several years.

The members of the delegation were invited to Delhi for a briefing by the Prime Minister. He naturally attached the greatest importance to this delegation because it was the first he himself had selected. He was anxious that it should function successfully and bring credit to India by its work and conduct in the highest international tribunal. He briefed us in a most careful and detailed manner. I had known Nehru before, but this was the first time I had come into contact with him on the official plane. I was tremendously impressed by his knowledge of international affairs, his foresight, the breadth of his vision, and his exposition of the principles India should adopt and adhere to in relation to the various questions that were expected to come up for discussion before the United Nations Assembly.

The delegation had been appointed rather late, and there was not much time to be wasted if we were to arrive in New York in time for the session. An Indian plane was chartered for our voyage, and this was the first time that an Indian plane was undertaking an international flight. When we entered the plane in Delhi, we had no idea what an adventurous journey it was going to be. Fortunately, we had a skilled pilot who, despite his lack of experience of airfields outside India, had complete control over his plane, and knew everything that could be known at that time about aerial navigation. Our first stop was at Karachi, and although instructions were sent from Delhi, there was hardly anyone to receive us at the airport. All in all it was a very cool reception. This was an indication of the developing cleavage between the Muslim League and the Congress, and a warning of the awful things to come when Karachi would no longer be a part of India. From Karachi we proceeded to Cairo via Basrah and Baghdad without any mishap. When we reached Cairo, to our dismay and consternation, we were told that T.W.A., the airline by which we were to travel to New York, had received no instructions from Delhi, and no reservations had therefore been made. In any case, it was impossible to provide for any accommodation at such a short notice.

We were in a quandary. We cursed the bureaucratic ineptitude,

and ultimately, with the greatest difficulty, succeeded in getting seats on some other plane. As far as I remember, it was not being flown by any recognised airline. From Cairo we flew to Algiers. We took off from Algiers, and had hardly been 15 minutes over the Mediterranean when we were suddenly asked to fasten our seat belts, and, to our surprise, we found the plane flying back to Algiers. We then learnt that one engine had caught fire, and there was barely enough time to dash back to Algiers: if the plane had flown a little longer over the Mediterranean, the first Indian Delegation to the United Nations would have found a watery grave.

The problem then was to find another plane from Algiers to take us on our onward journey. After spending a whole night in the city, we ultimately succeeded in getting a rather ramshackle plane. We flew to Lisbon and from Lisbon to Ireland, where we landed at Shannon airport. It was immediately after the war when Europe was in the grip of terrible scarcity, and food was difficult to come by. But Ireland had escaped these conditions, and we had a most delicious breakfast at the airport consisting of all the good things that Ireland could offer.

But after breakfast we discovered that we were in a worse predicament than we had been so far in this ill-starred journey. The pilot who brought us from Algiers flatly refused to fly us over the Atlantic. He said he had taken tremendous risks in flying from Algiers to Ireland. But as he was always near the European coast, he thought he could take the risk Crossing the Atlantic, however, was a different kettle of fish. He refused to take any more chances and jeopardise his own life and the lives of the passengers flying a plane which, in his opinion, was not air-worthy and ought to be scrapped.

We then set about finding some way of reaching our destination. It should be remembered that this was soon after the end of the War, when there was a tremendous movement of people, all trying to reach one country or another. We were bluntly told that it would be impossible to find us any passages for days to come. We were therefore stuck in Ireland, with New York still far away. Mrs. Pandit was in a towering rage, but anger does not produce

air tickets. We got one of our officials to ring up the Secretary of State for India in London, who was constitutionally responsible for Indian Affairs, to tell him of our plight, and ask him to pull the necessary strings to secure us the passages required. We were told that the Secretary of State was just as helpless as we were, since the problem of finding accommodation for hundreds and thousands of people who wanted to cross the Atlantic was proving insuperable.

After a great deal of difficulty and prolonged negotiations, we ultimately persuaded an American airline company to take us to New York. The argument which ultimately prevailed with this airline was not so much that we were the official representatives of a great country going to the annual session of so august a body as the United Nations Assembly, as that President Truman was specially coming to New York to give a reception to all the delegates to the U.N., and we were among those who had the honour to be invited. Having accepted the invitation it would be an insult both to the United States and to its President if we did not turn up at the reception.

But there was one condition on which alone the airline company was prepared to fly us. We should travel without any baggage at all; the baggage would follow us later. This raised further obstacles. Mrs. Pandit made it clear that she would rather die than go to New Work without that one suit-case which contained her change, which she must have after a very wearisome journey, and also the clothes that she would have to wear befitting a presidential reception. Fortunately the receptionist at Shannon was a woman, who understood Mrs. Pandit's feminine problems, and agreed to make an exception in her case. I, myself, quietly told the same sympathetic receptionist that if a woman needed a change of dress, so did a man. How could she expect me to meet President Truman in the clothes in which I had travelled across the Atlantic? She would not give way, but promised that our luggage would be forwarded by the very next plane, and that in all probability, I would get my suit-case at my hotel in time for me to change and go to the reception.

So, off we all flew, and with the exception of Mrs. Pandit, landed

in New York without any luggage at all. I went immediately to the hotel where rooms had been reserved for me, and started pacing up and down restlessly, hoping and praying that my suit-case would arrive in time. The suit-case arrived and I could attend President Truman's reception in presentable clothes.

Speaking about my fellow delegates, I must say that Mrs. Pandit is a brilliant woman. For a person who has not had the advantage of a formal education at a College or University she spoke the most beautiful English with a faultless accent, conveying her ideas with lucidity, eloquence and force. Her personal charm and attraction won over many an unfriendly heart, and she succeeded immediately in establishing close and intimate contacts between the Indian delegation and the delegations of many other countries. Even countries which were hostile to us eventually succumbed to the force and appeal of her personality and her power of persuasion.

But, mixed in with so much that was good, there was a defect in her character. She was highly temperamental. She was impatient of delay and inefficiency; sometimes the most trivial thing would throw her into an uncontrolled fit of bad temper. Whenever this happened the atmosphere would become very tense, and any serious work or joint deliberation become difficult, if not impossible. But, fortunately, this never lasted long. It was a case of sunshine and shadow. The shadows were few, although when they fell, they made everything dark and dismal. But the sunshine endured for much longer periods; and then she was all charm and grace, and no one was more agreeable or easier to work with. I do not wish to imply that as a leader her assets consisted only of charm and personal attraction. She had a fine political sense, sound judgment, and she could sum up a situation, if not with any great knowledge of facts, at least with an unerring insight.

Maharaj Singh was a very senior and experienced civilian, and a great help to the delegation. But he had some unusual ways of amusing himself. When we got to the hotel where we stayed, almost the first question he asked me was whether I knew where he could purchase a doll. I was completely taken aback. "A doll?" I asked him. "What on earth would you want to do with a doll?

You are member of a U.N. delegation, not a baby in a nursery." He then confessed that he was a ventriloquist, and he could not practise his art without a doll. He could not bring his doll from India and therefore he had to buy one here. I believe he ultimately succeeded in finding one.

But it is the sequel that is even more interesting. One morning I read in the *New York Times* the agenda for the various committee meetings of the United Nations, and it was mentioned that in a certain committee room, Maharaj Singh, the Indian delegate, would give a performance of ventriloquism. I almost tore my hair and rushed to the hotel where Mrs. Pandit was staying and drew her attention to the strange announcement. I said that as it was, India had the unenviable reputation of being a country noted only for its snake-charmers and magicians, and if Maharaj Singh was allowed to go through with his performance, it would only confirm that reputation. Mrs. Pandit at once telephoned Maharaj Singh, and asked him to cancel this public engagement immediately. This was done, and our reputation saved. But Maharaj Singh continued to practise his art in private. I was once a witness, and I must say I greatly admired his skill.

Ali Yavar Jung was from Hyderabad, and he brought with him the sophistication and culture of that ancient city. He was a suave personality, always calm and collected. His advice was always valuable because it was given after due deliberation.

I also remember Frank Anthony, the Anglo-Indian leader. He had the convictions and pre-occupations of one who believes, as it happened, erroneously, that he belongs to a community who have not been totally accepted as Indian citizens. As the leader of his community he has done his best to integrate it with the Indian nation. He is a very eloquent speaker and, to my mind, is one of the finest debaters on the Opposition Benches in the Lok Sabha. He was an asset to the delegation.

Krishna Menon, I must confess, was a rather disturbing element in an otherwise well-knit, harmonious delegation. His very appearance, his gestures, his way of talking always made me feel that the only way in which one could characterise him was as Eminence Grise. His intellectual equipment was formidable and often pro-

duced brilliant flashes which could light up a dark and difficult situation. The defects were equally striking, and sometimes nullified any good that his undoubted accomplishments might have achieved. He did not know how to unbend or stoop to conquer. He hated all bureaucrats, more particularly of the I.C.S. variety, and he was on the worst terms with the I.C.S. members of the delegation. I remember Bannerjee, a very senior and respected civilian, telling me that he would refuse to join any delegation in which Krishna Menon had a place.

I must be frank and state candidly that Mrs. Pandit was overawed by him. This was partly because of the fact that he enjoyed the confidence of the Prime Minister, who had the highest opinion of him. Very often she accepted his advice as against the opinion expressed by the other members of the delegation, although she genuinely realised that his advice was unsound and misleading. I will give an instance. We had put forward our candidature for membership of the Security Council. After talking to the members of various delegations I came to the conclusion that we had no chances of succeeding in that session. Our principal opponent was Syria. All the West Asian countries were supporting her, and the U.S.S.R. delegates privately told me that it would be most unwise on our part to press our candidature and that we should wait until the next session when there would be every chance of success, as we might expect to get the support of a large number of countries that were now backing Syria. Krishna Menon insisted that we should contest the election, and was equally confident that we would succeed. I pleaded with Mrs. Pandit not to accept Krishna Menon's optimistic reading of the situation, which I knew was wholly mistaken, and face certain defeat. But Krishna Menon's view prevailed. We stood for the election, and, as expected, lost.

My ignorance of the American variant of the English language led sometimes to curious and unexpected consequences. In the evening, on the very first day of my stay at the Gotham Hotel, I rang up room service for a drink. I was asked what I would like and I answered: "Send me a scotch whisky". The girl at the other end sounded very impatient. "Sir, make up your mind. Do you want Scotch or do you want whisky?" Apparently, in America,

air tickets. We got one of our officials to ring up the Secretary of State for India in London, who was constitutionally responsible for Indian Affairs, to tell him of our plight, and ask him to pull the necessary strings to secure us the passages required. We were told that the Secretary of State was just as helpless as we were, since the problem of finding accommodation for hundreds and thousands of people who wanted to cross the Atlantic was proving insuperable.

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"whisky" means Bourbon whisky which is an American whisky while "Scotch", by itself, denotes Scotch whisky.

On another occasion, I was going to the theatre, and had no time to go to the dining room for dinner. So I decided to have a quick dinner in my own room. I rang up room service and asked for a drink and half a dozen sandwiches. "Half a dozen, Sir?" The note of surprise in the girl's voice made me think and I tried again. "As I am not having a regular dinner, I think I might have just three sandwiches". She said, "All right, if you so wish. I will send them up." The waiter arrived with the three sandwiches. There was a grin on his face, and when I looked at the sandwiches I understood why the girl at room service had been surprised. While I was thinking of the English tea sandwiches, which are very small and delicate, what they brought me naturally enough were American sandwiches, and one sandwich was more than a meal. Out of the three I could barely finish half. This was sheer waste and, what was worse, it constituted a serious erosion of my foreign exchange allowance.

The main problem the Indian delegation had to deal with in this session was *apartheid*, the notorious racial policy of South Africa. We were particularly concerned because South Africa had just then passed what was known as the "Ghetto Act" which segregated over 200,000 South Africans of Indian origin, and imposed serious restrictions on their rights to own property.

We had already given the necessary notice that we wanted this item to be inscribed on the agenda of the United Nations. But under the procedure followed by the United Nations, there is a Steering Committee which is appointed before the General Assembly meets, to decide which matters should come before it for discussion. A formal resolution has first to be submitted to this committee by the country or countries interested in having a particular subject discussed at the session.

I vividly remember, late one evening when only Bannerjee and I were at Lake Success, which was then the headquarters of the U.N.O., we were suddenly informed that no resolution had till then been submitted by the Indian delegation about South Africa, that the Steering Committee was to meet that very

night, and that we should send in the resolution immediately if we wanted the matter to be considered by the Committee. I tried to get in touch with Mrs. Pandit, but she was not at her residence, and no one knew where she had gone. I told Bannerjee that the matter was of vital importance, that I myself would draft a resolution and take the responsibility, hoping that Mrs. Pandit would not mind my doing this under the circumstances, and would ratify my action. Bannerjee and I then drafted the resolution and sent it in.

Sometime later the Steering Committee met, and we attended the meeting taking our seats in the back benches, as India was not a member of the Committee. Field Marshal Smuts, who was a member, opened the discussion with an outright demand that the item on the provisional agenda "Treatment of Indians in the Union of South Africa" should be deleted from the agenda on the ground that it was in complete conflict with the provisions of Article 27 of the Charter. He contended that the question arose not in regard to Indian nationals but Indians who were South African nationals. He further argued: "We are dealing surely with a people who are South African nationals, and who have a grievance against their own Government". If the United Nations can deal with this matter, then people everywhere will raise similar issues, and thus make it impossible for the United Nations to function. He maintained that this item conflicted with the provisions of the Charter which laid down that matters essentially of a domestic jurisdiction did not fall within its province.

The question then arose as to whether the Indian representative, who was not a member of the Committee, should be heard on this question. Mr. Vyshinski, the Russian representative, made a strong plea that India should be given a hearing. Ultimately, it was decided that India should be allowed to explain the position. Thereupon, I rose from the back of the hall, and walked to the vacant seat at the committee table.

This was the first time I would be speaking in the United Nations. I had to speak on the spur of the moment without any prior preparation, without any notes to help me, and this when

I had to cross swords with so formidable a debater as Smuts. But when one fights for a great cause, one somehow feels inspired. It was my contention that the real point at issue was whether the Steering Committee itself was competent to rule whether the Indian request should go on the agenda. It was clearly laid down in the Rules that the Committee did not have the right to decide any political question. India was a member of the United Nations, and she had proposed this item for discussion. It would be a serious encroachment upon the rights and authority of the General Assembly if the Steering Committee were to decide whether the item could be put on the agenda. I earnestly pleaded that the Committee should not decide this point.

Sir Hartley Shawcross, an outstanding English lawyer, then a delegate to the U.N., suggested that the matter should be referred to the Legal Committee. Vyshinski strongly supported our stand. He maintained that this was not strictly an internal problem; it was international in its repercussions, and therefore the Indian delegation had every right to call the attention of the Assembly to the question. I again intervened to point out that Sir Hartley Shawcross's suggestion might result in the whole question being shelved. I insisted that the matter was not a legal but a political one. There was great resentment throughout India at the treatment of Indians in South Africa. Passive resistance by Indians was in progress in that country, and hundreds of Indians were going to jail. All eyes in India were on us at this moment. The United States upheld our contention, and ultimately the Steering Committee passed a resolution that the issue should be referred both to the Political and Legal Committees.

Nehru in the Lok Sabha paid me a compliment by remarking that I had very ably conducted the legal side of the argument, and won an important point in spite of determined opposition. Gandhiji sent a telegram to Mrs. Pandit in the following terms: "God has crowned your effort with success. Congratulate Chagla on my behalf. Result will hearten our people in South Africa"

The question then came up before the joint session of the Political and Legal Committees, when I again spoke for India, but this time in a well considered speech which lasted about 45

minutes. I was speaking after Smuts had made his speech, and had therefore to deal with the arguments he had advanced and answer the points that he had raised. I traced the history of Indian immigration into South Africa, and pointed out that Indians went to that country at the urgent, pressing and importunate request of the South African Government. I also reminded the audience that until the point about domestic jurisdiction had been raised by Smuts for the first time before the Committee, the South African Government as well as the Indian Government had treated the problem as one in which both the Governments were interested, and this was borne out by various agreements entered into between India and South Africa.

I then explained the reasons why we objected to the Asiatic Land Tenure and Indian Representations Act passed by South Africa. Severe restrictions had been placed upon Indians in respect of occupation and purchase of property. With regard to political representation, on the one hand, Indians had been segregated into a communal electorate, and on the other they were barred from becoming members of the legislature, and had to be content with being represented by Europeans. I emphasised the fact that the principle underlying this provision was racial arrogance and the concept of racial superiority. The object was to degrade and humiliate Indians, who are fellow citizens of the Europeans, and brand them as an inferior race. I said: "Field Marshal Smuts in his speech proudly asserts that his Government has not infringed the right of Indians and has not denied them means of sustenance. On behalf of my countrymen, I express my deep gratitude to the Field Marshal for not liquidating—to use an expression which has rather painful connotations—my community in his country. He asserts that Indians had not been persecuted in South Africa. I agree, but there are worse things than injuring the body or taking the life of an individual. You can maim a man's soul, you can break his spirit, you can make him lose that human dignity which alone makes life worthwhile."

I then dealt with the issue of domestic jurisdiction. I said Smuts was in effect saying: "In my own country I can do what I like. I can treat a racial minority as Germans treated the Jews. I can shut them up in ghettos. I can violate the principles of the

Charter, and yet the United Nations cannot call me to order" I pointed out that no one questioned the fact that South Africa was a sovereign state, but even as a sovereign state, in signing the Charter she had undertaken certain obligations, and those obligations required that she should conform to the principles and purposes of the Charter. To that extent the result of signing the Charter has been the contraction of the domain of essentially domestic matters.

I added: "All the members of the United Nations had joined this organisation on the basis of the Charter. Its provisions bind everybody. Is it suggested that any of the signatories can with impunity violate one of the binding terms of the Charter, and the U.N. Organisation has no right to take any action against the offending member? If that be the true interpretation of the domestic jurisdiction clause, I do, gentlemen, in all seriousness, ask you to treat this Charter as a scrap of paper. Tear it up, and have done with it. We are sitting here wasting our time."

I ended my speech by saying: "It would be a great mistake to look upon this question as a conflict between Asian States and non-Asian States. Something much more vital than that is at stake. What is at stake is the very existence of this Organisation. If this resolution is defeated, it would mean that this Organisation does not exist in order to protect human rights and fundamental freedoms, and is prepared to connive at the wicked and vicious doctrine of a master race which so many nations victoriously fought in the last War at a tremendous cost of blood, tears and sweat."

An attempt was made in this Committee to shunt the matter, and Sir Hartley Shawcross suggested that the question should be referred to the International Court. I strongly objected, and said it was cruelly unfair to those who were suffering in South Africa, to waste any more time in reaching a decision on the issue. It was not right that the matter should be referred to the International Court at a time when the passive resistance movement was going on in South Africa.

Ultimately, the Committee adopted the following Resolution: "Firstly, because the friendly relationship between the two

members had been impaired, unless a satisfactory settlement is reached, these relations are likely to be further impaired. Secondly, the Committee is of the opinion that the treatment of Indians in the Union should be in conformity with international obligations and agreements concluded between the two Governments and the relevant provisions of the Charter. Thirdly, the two Governments should report at the next session of the General Assembly measures adopted to this effect." The resolution was carried by 24 votes to 19 with six abstentions.

This was a clear victory for India. What was now required was that this resolution should be adopted by the Assembly by a two-thirds majority. Every member of the delegation worked his hardest to canvass the necessary support from the U.N. members for this resolution. We had to reckon both with the United States and the United Kingdom who had voted against us in the Committee. But we had the full support of France, the Communist countries, Mexico and some of the West Asian countries. At that time the total strength of the Assembly was 54—less than half of what it is today.

In the Assembly we managed to get a two-thirds majority—but by just one vote. The resolution adopted by the Committee was carried by 32 votes against 15, with 7 abstentions, and the South African amendments referring the Indian dispute to the International Court was defeated by 31 votes to 21, with two abstentions.

As I said before, every vote counted, and I remember how strenuously and tenaciously we canvassed the Afghanistan vote which could settle the issue one way or the other. The Afghan representative was a well-meaning man and very friendly to India, but he did not quite understand the legal and political implications of what was at stake. But ultimately we succeeded in persuading him that he should vote on the side of India. But, what was surprising and also somewhat amusing was that he wanted to be told, when the voting started and the roll call began, whether he should say 'yes' or 'no'. He therefore had one of the officers from our delegation sitting behind him. When the time for voting arrived, and the roll call began and the name

of Afghanistan was called out, our officer nudged him and told him that he must now show his friendship for India by voting in the affirmative; and like a true and loyal Afghan he kept his promise. If he had not done so, the resolution would have been lost. This proves that the fate of great causes could sometimes depend on very small things.

By getting this resolution passed we had finally established certain important principles. The most important was that in becoming a member of the United Nations a sovereign country voluntarily puts a restriction and limitation upon its own sovereignty by agreeing to the principles and purposes of the Charter. Further, it was established that no country can with impunity treat its own nationals in violation of the principles of human rights enshrined in the Charter. And thirdly, that the United Nations has the right to call a delinquent country to account. We were thus proved right in basing our chief argument on the human rights provisions of the U.N. Charter.

I am sorry to say that although we got these principles established, they have been observed more in the breach than in the performance. South Africa has continued its policy of racial discrimination and has defied every decision and directive of the U.N.O. Sanctions have been imposed by calling upon member-states to break off trade relations with South Africa. We have scrupulously observed all this and have had no relationship with South Africa whatsoever, at any level. But other countries have happily gone on making money through commercial relations with South Africa, and what is worse, by exporting arms to South Africa and thus enabled South Africa to put down any revolt by its coloured citizens against the most repressive laws that a country has passed from time to time.

Inevitably, I came to know Field Marshal Smuts rather well. Apart from the frequent passage at arms at the U.N. meetings, to which I have referred, I used to meet him at the Commonwealth Committee over which Ernest Bevin, who was the Foreign Secretary in the Labour Government in England, presided. This Committee met from time to time, to try and see if the actions of the Commonwealth countries in the international sphere could be co-

ordinated. Of course, this was not always possible, since even on the South African issue, the U.K. and South Africa were arrayed against India. But apart from this, it was an interesting, and in some ways, a useful forum for discussing various matters of interest to the Commonwealth countries.

I remember General Smuts once telling me: "I know how strong you feel about this racial question. I have myself been one of the authors of the Charter. I don't feel at all happy about what is going on in my country. But remember, a leader of a country, whatever his own ideas may be, cannot carry his own countrymen beyond a certain point. I have done my best to restrict racial legislation as far as possible. But I would be overthrown if I go beyond what I have done, because I will never be able to carry public opinion with me." He then prophetically added, "You have attacked me and condemned me, but remember a time will come when you will realise that what I have done is nothing compared with what will be done and what will happen in the future."

Smuts was right. The laws passed by South Africa during Smuts's regime seem to be a very mild violation of the Charter compared to the laws that have been passed by his successors, the policies they have pursued, and the repression they have practised.

Every member of the delegation was assigned to one of the U.N. Committees, and my assignment was on the Legal Committee. Sir Hartley Shawcross was also a member of that Committee, and there were many occasions when we were on opposite sides of the fence, and when we both made hard-hitting speeches. One of these occasions which created quite a sensation, and hit the head-lines in the American papers, was a charge made by Shawcross that the members of the Committee were indulging in corridor intrigues and back-door methods in connection with a resolution moved by the delegate from the Phillipines. The particular resolution was of no importance. But the Phillipines set great score by it, and wanted an adjournment of the Committee as the delegate thought that if pressed to a vote at the time, it might be lost. Shawcross said that he strongly objected to secret manoeuvres, and wanted to know who the parties were. It was an attempt to

defeat the ordinary modes of procedure by dubious tactics. His grievance was that Britain had not been consulted. I strongly supported the Phillipine request for adjournment. I said that I knew of Shawcross's fame at the Bar, but it was hardly the right thing to cross-examine delegates of a U.N. Committee. If I was in the place of the Phillipine delegate, I would fight for my right to discuss the matter with any delegate I liked, and wherever I liked. Britain had no right to insist that it should be a party to every negotiation that might take place.

The wrangle in which Shawcross and I figured is not in itself of much significance. I mention it partly because what Shawcross stigmatized as off-stage intrigue has now become the standard method of resolving ticklish international differences. It is in the corridors, the lounges, the bars, and the little private rooms that bargains are struck, and agreed formulae evolved. Very often, what goes on at the open sessions is public declarations about what has been settled privately.

Notwithstanding the constant wordy duels that I had with Shawcross, when the Legal Committee completed its work, Shawcross came up to me and said that he would like me to be the Chairman of the Legal Committee at the next session, and his country would strongly support my candidature. This proved that Shawcross was acting up to the principle that is well understood at the Bar. Members of the Bar fight each other in Court, even use vituperative language, but once they step out of the court they are good friends, and their personal relations are not affected.

I did not attend the next session of the U.N.O. although I received a letter of invitation from Bajpai, who was then Secretary-General at the External Affairs Ministry. I had then become Chief Justice, and informed Bajpai that I was immersed in the problems concerning the relationship of the judiciary with the executive, a subject which was of supreme importance to me. I, therefore, thought that it was not possible for me to leave the High Court for any length of time.

To return to Shawcross, when I was appointed High Commissioner to the U.K., he was one of the first to send me a cable congratulating me on my appointment; and when I went to the

U.K. he invited me to spend a day with him and his wife at his beautiful country house. Shawcross, though outwardly aggressive, was a friendly soul. He had a large practice at the Bar which, I was told, surpassed that of any one who had practised in England, and it was a matter of surprise to every one when he gave up that practice and accepted a permanent job with an international oil company. I think the reason was that taxation being so high, he felt it was not worth earning such a large income merely to pass on most of it to the Government. This is exactly what many senior members of the Bar feel today in India.

I should like to refer to an important resolution which was passed by the United Nations Political Sub-Committee dealing with disarmament. The United States, of all countries, proposed that the General Assembly should call upon the Governments of all States to render every possible help to promote the establishment of international peace and collective security, with the least possible diversion to armaments from the world's human and economic resources. I was in the Sub-Committee; and on behalf of India I moved an amendment that the resolution should further add: "The General Assembly recommend Governments to undertake a progressive and balanced withdrawal of forces stationed in non-national territories, and early withdrawal of forces stationed in territories of member-States without their free consent, and demobilisation of national forces."

Shawcross supported my amendment and stated that "as far as U.K. is concerned we never have and never will station armed forces in foreign countries without the consent of the countries concerned." My amendment was accepted by the Committee by 16 votes to 2, the dissenting countries being Australia and Brazil. It is regrettable how many American troops are on foreign soil without the consent of the country concerned. Of course, America always claims that she has the consent of the Government of the country, a Government which in all probability is one which she herself has set up, which she finances, which is, for all practical purposes, her stooge, and which to all appearance has no backing of the people at large, and which would almost certainly collapse the moment the Americans withdrew their troops.

While I was at Lake Success I came into contact with most of the delegations, with some of whom I had very close and friendly relations. I would particularly like to mention the U.S.S.R. delegation which was headed by Molotov and, as I have already mentioned, had as one of its members Andrey Vyshinski. The cold war was in full swing, and Vyshinski was the pet aversion of the west. There was little or no personal or social intercourse between the delegates from the East and the West. But with us from India the Russian delegation was most friendly from the very start, and in many matters the two parties worked hand in hand. India received Russian support in most of the proposals that were put forward.

I remember a lunch given by the Russian delegation to our delegation in New York. We finished the morning session of the Assembly and went to New York from Lake Success. The lunch was an unending affair. The Russians are famous for the toasts they drink. The toasts related to India, to the leader of our delegation, and to each individual member of the delegation, and each one of these toasts had to be responded by us. The toasts were drunk, of course, in Vodka or in Russian wine as Russians refuse to serve anything except their own national alcoholic drinks. After the lunch we had all to come back to Lake Success to serve on various committees, and I was surprised to notice that all of us remained completely sober. I told Molotov that this was perhaps due to the genuine feelings behind the toasts, and to the fine quality of the Russian drinks.

Another delegation which I found most friendly to us was the Canadian Delegation. I have found at several international conferences which I have attended, that of all the Commonwealth countries, Canada has always been the most friendly to India. There was always to be found a genuine rapport between the Canadian and Indian delegates.

The other delegation that calls for special mention is the Mexican delegation. I found among these, jurists of very high calibre. We do not often realise that in South American countries great care is taken in the study of International law.

There is one incident which I cannot leave unrecorded in connection with that visit of mine to the U.S.A. After the session was over, I went to Washington with Sapru, who was one of the alternate delegates and stayed for two days with Bajpai, who was then representing India in the U.S.A. As I have mentioned before, Sapru was a great personal friend of mine and it was a pleasure and a solace to have him with me at the United Nations. He was also nominated to the Legal Committee as my alternate. I am afraid he had not much to do there because I was always present in my seat, and it was rather thoughtless of me not to have occasionally absented myself and given Sapru a chance to exercise his right as an alternate. But he used to sit behind me as duty bound, and stay in that posture indefinitely, thus suffering enormous boredom. Once his boredom became so intolerable that he dozed off to sleep. That in itself would have been understandable, but his sleep was accompanied by heavy snoring. Each member of the Committee had a microphone in front of him, and Sapru's snore came loud and clear over the microphone so that the whole committee had perforce to listen to the sound of this rather unmusical rhythm. I finally shook up Sapru and told him that he could sleep, if he wanted, but without snoring!

We had an opportunity of enjoying Bajpai's hospitality. Bajpai, as I said, was representing India at the time. He was an extraordinary man, and one of the most brilliant Ambassadors India has produced. He was well-known as a most able and competent draftsman. Although he hardly ate or drank anything worth noticing, he maintained a superb table, kept two cooks, one French and the other Indian. He was an authority on wines, and knew which years produced the best vintage, although he himself hardly took a sip from a glass. He could cook very well for others, but he ate very poorly himself.

To mention the rest of the accomplishments of this versatile man, Bajpai was also an authority on carpets. He could, besides, speak English, French and Persian with the greatest fluency. He dressed immaculately, and bought his clothes in the best and the most expensive shops in the United States. Money was of no consequence to him and, as usually happens with men of that type,

when he left the United States he also left many debts behind him.

Talking of Bajpai's qualities as a cook, I am reminded of an incident which occurred when I was Chief Justice, and he was the Governor of Bombay. Soon after he took charge, he invited me and my wife to a quiet dinner, where no one else was present excepting the host and his wife and ourselves. At that time there was prohibition in Bombay. When the chicken came, he said to me, "Chief, (he always called me that) my opposition to prohibition is that it seriously interferes with my cooking. But for prohibition, I should have cooked you chicken in wine—instead, look at the chicken you are eating."

When we visited Bajpai in Washington, we found him in a most depressed state of mind. With the coming transfer of power, he did not know what the future was going to be. He had represented the British Government, and had loyally carried out the policies of an alien ruler. As a true civilian he was not concerned with the merits of the policy. His duty was to give effect to whatever was decided by the Government of the day, and because of this he had to do many unpopular things, and he knew that they were strongly resented by Nehru and other Indian leaders. He feared that he had come to the end of his career, and he did not know what he would possibly do in the future which looked to him then extremely dark and obscure. But Nehru never knew what it was to bear a grudge; and with his usual fair-mindedness relieved him of his worries by appointing him Secretary-General of the External Affairs Ministry, the first to be so appointed when India became independent. And there is no doubt that he served Nehru and the country with great distinction and ability. He had to work very hard in the early days of freedom, and he really came to Bombay as Governor for a rest cure, but within a short time he was completely bored with the job. He used to tell me: "I am merely an ornamental piece. The Ministers never consult me, and I have nothing whatever to do." He humorously remarked that the only important thing he remembered doing was to correct the English of the Governor's address to the Legislature which is always drafted by the Cabinet.

When I returned to India, Sardar Vallabhbhai Patel, who was the Home Minister, gave a lunch in my honour, and I also went to see Gandhiji to report to him about the South African affairs. This was at Sabarmati Ashram. I remember he was sitting in his room eating his meal from his famous bowl with his equally famous spoon and was dressed in his usual loin cloth. I was in my lounge suit, cut according to the latest fashion. The contrast was so striking that I felt thoroughly ashamed of having to come to see a great man in those clothes, but at that time I knew of no other. Before entering the room I started taking off my shoes. Gandhiji smiled, and spoke to me in Gujarati. "Don't worry", he said, "come in as you are". Of course, I did not accept his suggestion, but instead did the least I could under the circumstances, and that was to enter that sacred chamber bare-footed. Gandhiji was very kind, and said many nice things about what I had done at the United Nations. He told me he had been following the debates on South Africa with the greatest attention, as the cause of Indians in that country was very dear to him. I addressed several meetings in Bombay on the South African question, and one I particularly remember was a large public meeting held at Cowasji Jehangir Hall.

CHAPTER TWELVE

Diplomacy

Part I—United States

ONE evening in July 1958, I was at the Willingdon Club playing bridge as usual. A telephone came that I was urgently required at Raj Bhavan to see the Prime Minister who was staying there. I came back to the bridge room, excused myself for leaving an unfinished rubber, and dashed off to Raj Bhavan. I had no idea whatever why the Prime Minister wanted me. As I have stated before, my relations with the Prime Minister were rather cool after the T.T.K. affair, and we had not met for some time. Nehru received me, to my surprise, with warmth and cordiality. He said: "Chagla, you have written enough judgments. Now I want you to serve the country in another capacity." I replied that I was always at his service, and I would do for the country whatever he wanted me to do. He told me that the Ambassadorship in Washington had been vacant for some time. It was the most important Ambassadorial post from his point of view, and he wanted me to resign the Chief Justiceship and accept that post.

I was completely taken aback. But, in view of what I had said to him, I did not argue about the pros and cons, or the terms and conditions of service, but merely asked him when he wanted me to go to the States. The answer was, "Immediately". I promised that I would wind up my affairs in the High Court as soon as possible, and take up the assignment on which he

proposed to send me. This is how I came to be appointed the Indian Ambassador to the United States, and along with that Ambassadorship went the Ambassadorship of Mexico and Cuba.

When my appointment was announced, there was some criticism of Government action. In Parliament a question was raised about the desirability of appointing a sitting judge to a Government post, and it was suggested that this might undermine the independence and integrity of the judiciary. In the Lok Sabha, Pandit Pant, who was the Home Minister, in his reply to the criticism said: "The offer testifies to Chagla's high character and outstanding ability. He has been well-known, above all, for his independence. If the Judge who had been given the post had been subservient or weak, there would be some pretext for saying that the Government wanted to encourage such a frame of mind or such an approach to judicial problems." The issue was also raised in the Rajya Sabha, and there also Pandit Pant rebutted the charge that an attempt was being made to influence the judiciary, claiming that the very fact that the Government had appointed a person known for his independence of mind and moral courage showed that they appreciated such qualities in judges.

But the worst criticism came from a most unexpected quarter. In M. C. Setalvad's *Autobiography*, I found the following statement:

"He—(meaning myself)—was so keen to get into politics that soon after the Law Commission Report was signed by him, and even before the ink of his signature on the Report had dried, he resigned his office to become India's Ambassador to the United States. His action was characteristic of the self-seeking attitude of many of our leading men".

Setalvad has always been very good and kind to me. It was he who had recommended my name for the Chief Justiceship of India, the Judgeship of the International Court, and Membership of the Law Commission. After Kania's death, I always stayed with him when in Delhi, and even now when I am in Delhi, he often invites me to a quiet meal at his house, although he never entertains very much. But for this, I would have said

that the attack contained in the last sentence was downright malicious.

When I read what he had to say about my appointment I went straight to him and protested most vehemently. "Setalvad", I said, "you know the rule of natural justice. You have argued many cases supporting that rule. You know me very well and look upon me as a friend. Was it right on your part to attack me in that way without asking me under what circumstances I accepted this appointment?" He seemed surprised in his turn. He replied, to my amazement, that he thought that the criticism was rather mild.

I should have liked Setalvad to know that in the first place, I had never sought this appointment. As I have stated, it was the Prime Minister's desire that I should serve the country in this capacity, and I have always thought that if your Prime Minister called upon you to do a job of work, it is your duty to respond if it is in your power to do so. Setalvad should remember that much the same thing happened when, during the war of 1914, Lord Reading, who was then the Chief Justice of England, was asked by the Prime Minister to go to Washington as Ambassador, and Reading willingly agreed. Setalvad also forgot that if I was really a self-seeking politician and cared more for office than for principles, I would not have resigned my seat in the Cabinet on an important issue as I did, and would perhaps have still remained there.

It does not come well from Setalvad to criticise me when he knew I had given up a large practice in 1941, and decided to serve the country, which I did in many different posts till 1967. I could have remained at the Bar, earned a large income when the taxes were very low, and could today be a rich man. This, I am sorry to say, is exactly what Setalvad did. I should have expected a man of Setalvad's thoughtfulness to have weighed his words more carefully, and not to have gratuitously cast aspersions on the good faith of an old friend who was also a colleague. When he criticised me in his book, Setalvad apparently overlooked the fact that he had written me a letter when I resigned from the Cabinet. He said that he appreciated the manner

in which I had come out of the Government on a matter of principle in those days of political job-hunting.

I did not have much experience of diplomacy except for my brief spell at the United Nations in 1946. My life had been devoted to law, and in my early days, also to some extent to politics. But diplomacy as such was a wholly new experience. Before I left, however, I had evolved in my own mind the course I would follow in the United States and the lines on which I would try to make the American people familiar with the policies and principles for which India stood.

It was obvious that when a person is accredited as Ambassador to any country, one of his first tasks is to try to improve further the relations between the two countries. An Ambassador does not, in my view, go to the country of his accreditation in order to abuse that country and its people, and make that country resentful or even hostile to one's own. On the other hand, he should not become so attached or so partial to that country and so taken up with its institutions and its affluence, that he tends to uphold and justify every policy decision taken by that country. If that decision is prejudicial to the interests of his own country, he should criticise it; he should try to have it reversed, if possible. But all this should be done with courtesy and fundamental goodwill, and without needlessly offending the susceptibilities of that country.

My second task was to report fully and honestly to my Government about American opinion and sentiment not only with regard to India and her policies but also with regard to international affairs in general. I have noticed that many Ambassadors when they go to a particular country take on, as it were, the colour of that country, and in their reporting present a picture which is most favourable and flattering to that country. This, I thought, was both improper and misleading, because the whole object of maintaining an Embassy in a country is to have a source of accurate and useful information which would assist the Government at home in formulating its policy towards the country in question.

Thirdly, I felt that one of my main tasks would be to explain

to the United States the real nature and purpose of India's policies, which, I thought, had not been clearly appreciated in that country. Those were the days of the cold war and total confrontation between East and West. The assumption was that there were two diametrically opposed systems—capitalism and communism. All was black and white and there were no shades of grey. That was the spirit and the temper of the times. My first and foremost task was therefore to explain as well as I could our policy of non-alignment, which had often been mistakenly described as neutralism, a word that has a pejorative connotation. I had to bring home to the American people the fact that if we remained scrupulously aloof from military and political groupings, this was because of the fact that we believed in the right of every country to decide its own foreign policy, to determine its own form of Government, and to pursue the ideology of its own choosing.

It was because of this conviction that we refused to join military pacts, since we felt that such alliances only increased tension in the world, and acted as a hindrance to the solution of international disputes. More specifically, I had also to explain our relationship with China, and the nature of our recent differences with that country. Although China had given us a solemn promise that she would respect the autonomy of Tibet, she had recently undertaken a policy of violent repression of the people of Tibet, and attempted to crush its freedom and culture. Not only that, she had even carried out incursions across the boundary into our territory. The Dalai Lama had fled from Tibet, and we had to give him refuge, even receive him as an honoured guest. Notwithstanding all this provocation, we still wanted to solve the problems raised by these incidents on the border through peaceful negotiations. Whatever our differences with China, we still maintained that China should be admitted to the United Nations because it was a grave mistake to keep her outside the pale of international society and not bring her in and subject her to the moral and political pressures which the United Nations could put upon her.

Finally—and this I thought was the most important task—I had to explain fully the nature of our relations with Pakistan.

I had to explain that India pursued a secular policy, one which did not equate a nation with any religion or community, which treated all citizens alike, which gave them equal opportunities, and which subjected them to the rule of law before which every one, whatever his caste, religion or creed, was equal. I had to recount the reasons why India had been partitioned and explain the meaning of the vicious two-nation theory enunciated by Jinnah, who wanted to create a separate State based on religion. I had to point out how we had made constant and continuous efforts to arrive at an understanding with Pakistan, and how our efforts had been persistently rebuffed simply because of the fact that the one constant feature of Pakistan's foreign policy was hatred of India.

It would also be my duty to make clear the legal and constitutional position of Kashmir which was an integral part of India, the aggression that had been committed by Pakistan through the seizure of a part of that State and how that aggression was still continuing. And I would have to point out the dire consequences of the policy pursued by the United States in entering into a defence pact with Pakistan and supplying arms to her, something that only resulted in neutralising the effect of the economic aid which the United States was giving us, since the supply of arms to Pakistan compelled us to spend more on our own armaments, in fact to enter into a regular arms race with that country. For although the arms had been supplied by the United States to Pakistan on the clear understanding that these were only intended to be used in the fight against communism, Pakistan had made it clear that if the necessity arose she would not hesitate to use them against India.

The comments in the American press on my appointment as Ambassador were on the whole very favourable. Of course, without realising that we in India made no such distinctions, they all emphasised the fact that I was a Muslim. I have the cuttings before me, and I am just reproducing a few head lines from the American Press:

"NEHRU PICKS MUSLIM FOR ENVOY TO U.S."

"INDIA SELECTS TOP JURIST AS NEW AMBASSADOR TO U.S."

"GOLF-PLAYING MUSLIM INDIA'S NEXT ENVOY"
"INDIA'S CHOICE A CHIEF JUSTICE"

I must say a word about my being described as "Golfing Envoy". Golf is the commonest pastime of almost all American statesmen, leading industrialists, film stars, etc. If you don't play golf your status in society goes down. Eisenhower's addiction to golf is well-known. In fact, he was accused of spending too much time on the golf course. When I was Chief Justice I used to play golf in Bombay almost every Saturday morning, and there were three of my colleagues who used to play with me. I was not very skilled at the game, but I kept it up in Bombay as it was more exciting to pursue a ball than walk aimlessly, and also because it gave me an opportunity for exchanging ideas and carrying on a conversation with my colleagues, while we played. When I was invited to play golf in the United States, I flatly declined. I explained that I came to America to enhance the prestige of my country and not to lower it, and if people in America saw me play golf they would have a very poor opinion, indeed, of India and of Indians.

I can also recall that when my appointment was announced, my press agent in Washington wrote to me asking me for particulars about my life, my taste in eating, drinking, my pastimes, how I relaxed, and so on and so forth. I wrote back to say that I did not understand what the capacity or competence of an Ambassador had to do with what he ate and drank, but if the Americans were curious about all this, they might be told that I ate everything that was eatable and drank everything that was drinkable; and there should therefore be no problem for any American who wanted to entertain me.

Going to the United States from India was like going to a different planet. The contrast between the two countries is so great that it is difficult to imagine they are parts of the same earth. In the States you see everywhere signs of great affluence, while the stark fact of our own country is grinding poverty. Every American who can afford it (and most people can) must have a car, if not two cars or perhaps more, a radio, a television, a washing machine and all the latest gadgets that this technical age had

succeeded in providing. My own driver in Washington would come in his own car, park it, and then attend to the official car in which I used to go about.

The United States is essentially a consumer society. It is not only that the existing needs of the consumers are satisfied but new and increasing needs are created by ceaseless propaganda and advertisement by the producers. The whole of the American economy is built upon what has been called the doctrine of planned obsolescence. No article is produced which is durable, or is intended to last for any length of time. Even cars must be changed every year or every other year. If this did not happen, the whole of the American economy would collapse.

There is already a reaction against the craze for more and more production and more and more material comfort. Some young people have taken up arms against this soul-less society and want it scrapped so that something could be set up in its place which will really satisfy the inner cravings of man. Material comfort only gives one a temporary and illusory satisfaction, and when one has enjoyed the comfort, one begins to ask questions about the meaning and purpose of existence

Scientists recently have also warned the world of the dangers of over-production. They have pointed out that the world is running out of raw materials, and by the year 2000 we may have no essential raw materials left from which goods can be produced.

The other important aspect of American life is the vast use that is made of mass media, newspapers, radio and television. Americans have a passion for news, and they are all the time reading newspapers, listening to the radio, or watching television to satisfy themselves that theirs is God's own country. Interspersed with this constant relay of news is advertisements which din into the ears of the Americans how prosperous America is and how it is producing more and more, and better and better things. Americans have tremendous faith in publicity, propaganda, advertising. No political campaign—not even a Presidential campaign—can be carried on without millions of dollars being spent on the mass media. It is incredible how much one has to pay even to "buy", to use the American expression, television-

time for even two or three minutes. I remember once telling some of my staff that we should popularise our tea still more by advertising it on television. But when I was told how much it would cost, I promptly dropped the idea.

The press in America is very powerful. But barring three or four national newspapers, the rest are all regional papers with limited coverage. In the regional press all that one finds is local news, local squabbles, local scandal, and so on. There is hardly any mention of international happenings. One almost feels that to these newspapers, there is no world existing outside their own narrow sphere of life. But the national newspapers are of the highest quality. I should mention three—*The New York Times, The Washington Post* and *The Christian Science Monitor. The New York Times* is, perhaps, in many respects, the finest newspaper in the world. It has correspondents all over the world, and its foreign coverage is fuller than that of any paper I know, and is of the best and highest quality. One striking feature of the American press is that no newspaper in America can be regarded as an official or a semi-official organ, one that supports Government policy as a matter of course. The independence of the press in America is complete and most praiseworthy.

There were distinguished journalists like Walter Lippmann and James Reston, whose views carried great weight, and who played a significant role in forming and educating public opinion. I have referred to the independence of the press and its refusal automatically to toe the Government line. It will be remembered that while butchery, arson and rape were being perpetrated on the people of Bangladesh on a scale unparalleled in the history of the world, the Government of the United States not only turned a blind eye, but even connived and colluded with Pakistan in keeping Bangladesh down. But let it be said to the credit of the American press, that it exposed systematically, day by day, the horrible happenings in Bangladesh, and condemned the Government for looking the other way while these atrocities were being committed. The documents published by the journalist, Jack Anderson, showed the people how the Government was capable of lying, of telling the public that it was doing one thing, while it was doing just the opposite.

The American system of Government is different from the Parliamentary form of government. The distinction between the two parties, the Republicans and the Democrats, is often blurred. Party discipline is also very loose. Cross voting can be very frequent with the result that the President cannot always count on, or be sure, of the support of the members of his party. The Senate, particularly, very often criticises and even condemns Presidential policies and Presidential actions. Members of the Congress have their ears tuned to what people think and say, back in their constituency. Every Congressman receives an incredibly large post every day. The average American likes to be heard, and dashes off a letter or even a telegram to his representative in the Congress on matters all and sundry. In a sense, therefore, Congress is closer and more in contact with the popular view than the President who lives in splendid isolation in the White House.

For a great country like the United States, I found the administration in many ways most inefficient. The administration of foreign affairs may be said to be divided between the President's office, the State Department and the Pentagon. Of course, the President's office is the one most powerful, and ever since President Kennedy created his "Brains' Trust", the President relies, more and more, on his own personal advisers rather than on the official agencies of the State Department or the Pentagon. The result is often confusing and conflicting. The thinking of all these three bodies may be different on a particular subject, and even decisions may be given, not perhaps on a very high level, which could be in conflict with one another. But there is a further reason why, to a foreigner, American policy, very often, seems to be perplexing and inexplicable. Even in the State Department and the Pentagon, there are levels of decision-making; and close co-operation and co-ordination is not always forthcoming, with the result that one decision solemnly handed down might turn out to be different from another given at a different level, and the Ambassador of the country concerned has to try and find out, as best he can, which decision represents the true American policy

Race relations in the United States is an issue of the greatest importance. To my mind, it is a problem which seems to be almost insoluble. The Negro population is growing apace, and

in Washington itself, the Negroes are in a majority. Legal equality between the white citizen and the Negro citizen is enshrined in the American Constitution, and America fought a civil war to maintain that equality. The Supreme Court in a number of historical judgments has further emphasised the fact of equality; and the Government, by and large, has been doing its best to see that there is no discrimination against the Negroes. It may be a cynical thing to say, but there is no doubt that every aspirant to the Presidential office is conscious of the Negro vote. But social equality cannot be brought about either by the Government or the Supreme Court. Integration between the two communities can only be achieved by a change of outlook in the common man. In my time in Washington, no Negro could go to a cinema run by a white man. When a person put his money across the counter to buy a ticket, and the person selling the ticket noticed that the hand was black, prompt would come the answer that the house was full and there was no accommodation. No Negro actor or actress could appear on the stage. The Cosmopolitan Club, which is the most prestigious Club in Washington, used to invite all Ambassadors to become honorary members, but it refused to extend the invitation to Ambassadors from Africa. Both Kennedy and Dean Rusk protested, and asked the Club to change its policy. When the Club refused to do so, both of them resigned their membership. I do not know how many dinners I attended in Washington. I found, however, that hardly ever was a Negro invited as a guest. I understand things have improved in Washington since my time. But, on the other hand, the Negroes are more assertive of their rights, and a section of that community is no longer satisfied with equality with the whites, but wishes to carve out a sort of Negro State in that country.

There is no longer any problem with regard to the American Indians. They constitute a very small community living in specially reserved areas, and are being looked after by an official designated Commissioner of Indian Affairs. In my time the Commissioner was a man by name Glenn L. Emmons. He made a very successful and popular Commissioner, and I remember I was invited to unveil his bust in New Mexico. The bust was

the work of Felix de Weldon, a sculptor of international fame.

So much for the country. The people of America, as a whole, are kind, warm-hearted and hospitable. Any calamity in any part of the world immediately arouses their instinct of charity and generosity, and a committee is promptly set up to collect funds to help the distressed. A most endearing quality is the respect they show for work done in any capacity. One may be a sweeper sweeping the streets, or a waiter in a restaurant washing plates, but Americans never look down upon any one who is performing an honest job, manual or otherwise. They believe, in a supreme measure, in what we call the dignity of labour. A large number of students, including Indian students, would find work in the vacation to supplement their meagre income. I remember once, when I was new to the country, having a meal in a restaurant, and the waiter began a conversation with me and I was surprised both at the quality of the language he used, and the quantity of information he possessed. I asked him how he came by these attainments. He told me that he was studying at a famous university, which he named, and as it was the vacation he was serving as a waiter to help pay for his education.

This innate national respect for labour has also another origin. Most Americans like to believe that the poorest man in their country can become a multi-millionaire, or achieve the highest position in the State, and there is no insurmountable barrier to his progress because of his humble origin. The typical American story is the success story. The legend of the man living in a log cabin who ultimately became the President of the Republic is well-known, and a man occupying the highest place would proudly confess that he rose from a low level through sheer hard work, and without any extraneous assistance from money or family connections. In our country, unfortunately, we are ashamed of our humble origins. We all like to believe that we come of an ancient and aristocratic family, and if we happen not to be well circumstanced we would like to attribute that fact to our sins in a past life. Richard Nixon, the present President of the United States, is fond of telling everyone that his father had a small drug shop, and he had to work hard to educate himself. Justice Douglas of the Supreme Court, whom I knew

very well and with whom I and my wife spent a pleasant holiday in his country house in California, used to show me his hands and tell me, "You see how rough these hands are. This is because I started life picking cherries and selling them at so many cents per hundred." As a matter of fact, many Americans are instinctively disdainful of baronial families who have inherited large wealth from their ancestors. The Rockefellers of America are not very much liked, but the Fords are, because Ford built up a mighty empire after making a small beginning with a car, which no one at the time expected would either hold the road, or travel any distance. This concept of the dignity of labour is what we have to inculcate in our own countrymen for the greater good of the country. Most of us have, what I have often said, a brahmanical soul, and we feel that it is degrading for any intellectual or anyone who occupies a so-called high position in society to work with his hands. Hands are a fairly useless part of one's anatomy, and what matters is the brain, and if you are religious, the soul. It is difficult to imagine here a student from a college sweeping the streets or serving as a waiter or washing plates.

A common feature of the American way of life are cafeterias where people help themselves to food, where there is no service, and where you pay the bill at the counter without being required to pay any tips. I might describe my own experience of the first cafeteria I visited in the United States. This was in 1946 when I went to the United Nations as a member of the Indian delegation. There was a good restaurant where we could sit down at the table, be served properly, pay a rather expensive bill, and give also a rather expensive tip. One day Mrs. Pandit told me: "Let us go and have lunch at a cafeteria." I went with her and sat down at a table expecting that food would come to me as usual. Mrs. Pandit turned to me: "What do you think you are doing? You have to get up, pick up a plate, knife and fork, and help yourself to whatever you want to eat, and then go and sit down at the table" Somewhat abashed, I followed in the footsteps of Mrs. Pandit, and learned both the art of eating without being served, and also my first lesson in the dignity of labour.

I was so impressed by this that when I came back to India and

became Vice-Chancellor of Bombay University, I introduced the first cafeteria in one of the colleges. I hope the experiment has been continued. Of course, there is a difference between us and the United States. I realise that while we here have a large labour surplus, in the United States there is a serious labour shortage. That is why we have domestic servants in many households, while in the States very few can afford such a servant. Everything in the States is done by electric gadgets. I discovered that Justice Douglas, with whom we once stayed, had not only no domestic servant although he was a Judge of the Supreme Court, but even the sort of maid-servant they call a char-woman in England did not call for an hour or so to do cleaning up. Justice Douglas's wife did all the work, and when my wife offered to help, she courteously refused the offer saying, "You are not accustomed to this type of work, I am."

The first thing I had to do after reaching Washington was to present my credentials. I asked for an appointment. It took a long time before President Eisenhower could receive me. In India we manage our protocol ceremonies more efficiently. I do not think any country in the world, with the possible exception of the U.K., has a better sense of protocol, and a smoother machinery for giving effect to what protocol requires, than India. However bad our administration may be in other respects, as far as protocol is concerned it goes like clock-work.

When I ultimately got an appointment from President Eisenhower, I thought it would be something of an elaborate ritual. I naturally intended to don my formal dress of black achkan and churidar when a message was received from the White House that the ceremony would be very informal, that the President would be in lounge suit and I should not put on formal dress but only wear a lounge suit. The only ceremonial part was a car that came from the White House to take me there. I was received in a strictly formal way by the President, and when the usual courtesies were exchanged, the ceremony was over. The contrast with what happened when I went to London as High Commissioner, is still very vivid in my memory. There was a dress rehearsal for two days at India House as to how I would be received by the Queen, where I should stand, how many steps

I should take towards Her Majesty, and so on. But that was not all. I was taken to Buckingham Palace in a beautiful glass coach driven by four horses, with crowds looking on and occasionally raising a cheer.

My next important assignment was a meeting with the Secretary of State, the redoubtable Mr. John Foster Dulles. He was known for his extremely hostile attitude towards India. His one passion in life was hatred of communism in every form and shape, and his life's ambition was to encircle the U.S.S.R. with a series of military pacts with countries on its periphery. He was a deeply religious man, and his religion took the form of believing that the American way of life was the best in the world, and capitalism in its naked and undiluted form which had led his own country to such great prosperity should also serve the interest of other countries if practised in the same way as in the United States. He hated the Indian policy of non-alignment, and India's firm refusal to have anything to do with military pacts or any anti-communist crusade. His own description of India's policy was that it was neutral, that is, neutral between right and wrong, and therefore immoral. It was his conviction that nobody could be neutral in an age of cold war between capitalism and communism.

It was with great misgivings, therefore, that I went to see Dulles. I did not know what subject I could talk to him about, when there was nothing in common between him and me, and his country's policies and mine. But I thought I should do my duty and without mincing words I told him what precisely, I thought, was bedevilling the relations between our two countries. I specially emphasised the great harm the United States was causing by its unthinking support to the military regime in Pakistan, whose only policy was its unconcealed hatred of India, which, if pursued in any reckless way, could ultimately lead to a war between the two. If the rearmament of Pakistan continued, a stage would be reached when Pakistan would think she was strong enough to win a war against India. Of course, he did not agree with me—he differed all along the line. On matters of policy there were many points of friction. But when I left him he came to the door to see me off. He warmly shook me by the

hand and said: "Mr. Ambassador, if we are as frank with each other as we have been today, I think we will get on very well".

In diplomatic conversations I believed in being completely frank and forthright without any mental reservations. I felt that India had nothing to hide, and there was no reason why Indian policy should not be openly and publicly proclaimed. I found that this went down very well with the American press, and never, in my two and a half years' stay in the United States, did I give the easy answer, "no comment" to American correspondents. Of course, I tried to limit my public appearance, and spoke only when there was something definite to say. I realised that a correspondent had to be helped to do his job, which is to get news, and it was my duty to tell him as much as I could without revealing official secrets. American correspondents make it a practice to find out who is visiting high American officials. They would stand outside the door, and when an Ambassador came out from the august presence of whichever dignitary it was, they would bombard him with questions and ask him what issues had been discussed. The stock reply—it is least troublesome—the Ambassador gave was "no comment" But I never fell back on that device, and without revealing any secrets, I found some way of telling them something concrete which they could publish, and which did not in any way infringe the rule that talks between an Ambassador and the Secretary of State or any other official are strictly confidential.

I was fortunate in being an Ambassador in the United States of America during the regimes of Eisenhower and of Kennedy. The two men were radically different. Their approach to the problems was different. The principles and ideology underlying the policies were different. The style of government was different; and the men who came to power with the respective Presidents and advised the Presidents were also different. It was as if an earthquake had occurred as a result of which a new country had come into existence in the place of the one that ceased to exist.

President Eisenhower was a man full of good intentions. He desired a *detente* with the U.S.S.R., and wanted peace more than

anything else. Having been the Commander-in-Chief of the Allied Armies during the war, he knew and understood what a future war with its nuclear possibilities would mean to humanity. But unfortunately Eisenhower was a wholly ineffective President. He was a military man *par excellence*. He achieved popularity and acclaim through his great victory in the last war. He was inducted, as it were, into civilian life by first being made President of Columbia University. But this was not due to the fact that he had any academic distinction. His real use as President of Columbia University was merely to attract funds from all those who admired him for his rôle in the war. This is a surprising feature of American University life; the President of a University is often appointed because of the appeal his name makes to persons with large fortunes.

Eisenhower was completely in the hands of Dulles, who was one of the most reactionary Secretaries of State America has ever had. Eisenhower had full trust and confidence in him, and once that came about, he neither questioned the policies that Dulles pursued nor the decisions he took. Eisenhower's regime may more appropriately be described as "the Dulles regime", because he was the man who overshadowed everyone else in the conduct of foreign policy and who was the real pilot in charge of the ship of State.

Eisenhower, for his part, had an honest and genuine desire to have his name associated with policies meant to achieve peace and stability, and therefore, on a personal level, he worked towards such a goal. It is because of this that his visit to India became such a great success. Not only did the people of India feel elated that an American President was visiting their country, but his visit touched a deep and sympathetic chord in the heart of this nation. India has always admired simplicity and modesty, and people here felt that although he was one of the most powerful men in the world, he was neither arrogant nor dogmatic, but realised the awesome responsibility of power and exercised that power with care and moderation.

I saw Eisenhower off at the Washington airport when he left for his visit to India. He was to visit other countries before

he came to India; and after his departure, I flew to Delhi to be there in time to receive him. I have never seen such crowds as I saw all the way between Palam airport and Rashtrapati Bhavan where he was going to stay, and no one could have doubted that there was a genuine and spontaneous warmth in the people who lined the streets to greet him.

Protocol and security measures were most difficult to organise, and one of the main problems was to reach Palam airport from wherever one was staying. I was told by the protocol department when I should leave so as to be in time for the President's arrival. I am punctual by habit—punctuality is almost pathological with me. I did not, therefore, take any risk, and decided to leave half an hour earlier. When I saw the crowds and the traffic jam, I feared that I would never be able to reach the airport, let alone reach it in time. But somehow I managed to get there, and when I reached the airport, I found to my horror that neither the President of India nor the Prime Minister nor any of the members of the Cabinet were there, obviously having been held up by the surging crowds.

President Eisenhower was arriving from Kabul. The scheduled time for the landing of the plane had struck, and I found myself in a panic, lest I should be the only responsible person to meet the President on this historic visit of his. By a fortunate stroke of luck the President's plane was a little late, and to my immense relief I saw both our President and the Prime Minister arriving, though rather flurried and looking most anxious. I might mention that even the American Ambassador in India could not negotiate his car through the enormous crowd that had collected, but had to leave it marooned and walk some distance to the airport shouldering his way through the mass of men, women and children. Later on, Eisenhower told me, somewhat apologetically, that his plane had been absolutely punctual in its arrival in every country he had visited and he was sorry that India was the only exception. What seemed a lapse to the President was to me a God-send I wondered what protocol eye-brows would have been raised in the United States if their President had been received only by the Ambassador.

Eisenhower was tremendously impressed with Delhi. Every time I accompanied him to Rashtrapati Bhavan, he did not fail to praise and admire the architectural beauty which made Rashtrapati Bhavan look like a temple of peace and serenity, standing aloof and apart from the heat and dust of public affairs. He once confessed to me how small White House looked, compared with our Rashtrapati Bhavan, and I had to give him a diplomatic reply: "Well, Sir, after all White House is so historic".

He had great respect and admiration for the intellectual qualities of Dr. Radhakrishnan. There was a joint session of Parliament which Eisenhower attended, and which was addressed by Dr. Radhakrishnan as Chairman of the Rajya Sabha. After the session was over, and when I was driving with him to Rashtrapati Bhavan, Eisenhower showered praise on the magnificent speech that Dr. Radhakrishnan had delivered in his usual eloquent literary style. He asked me how we Indians managed to speak such perfect and beautiful English, and I laughingly replied that this was one of the legacies of the foreign domination from which we had suffered for so long. Of course, I added more seriously, that the spread of the knowledge of English was one of the few good things that the British administration had incidentally achieved in India.

I am not going to write about all the functions that Eisenhower attended in Delhi, and where I had to be present in my official capacity. But there is one incident which I must relate. I was invited to a cocktail party in honour of the foreign press, given by N. R. Pillay, who was then the Secretary-General. That morning I happened to be standing with Nehru in the Delhi University building where Eisenhower was due to arrive to receive his Doctorate. I told Nehru that I had a suggestion to make. I told him about the party Pillay was giving to which Nehru had naturally not been invited. But I suggested that he should come uninvited and unannounced, and that the foreign press would very much appreciate the gesture. I added: "I must warn you that whisky will be flowing, because you cannot entertain an American gathering without whisky, and you should not object to it". He laughed and said, "All right! It is a good suggestion. I will come". I must explain that although Nehru was one of

the most tolerant of men I have ever come across, and one without the slightest trace of the puritan, he was somehow very allergic to strong drinks. He did not mind wines, but whisky he felt was symbolic of the deterioration that had set in in civilised values.

The Chief of Protocol had told me that serious trouble had arisen about Eisenhower's suite in Rashtrapati Bhavan. The Chief had to ensure that our distinguished guest had all the comforts which India could possibly give him, and he had also discussed the matter with the Prime Minister. One question that arose was about drinks. Drinks are taboo in Rashtrapati Bhavan, but it was agreed that notwithstanding this taboo, drinks should be provided in Eisenhower's suite. But Nehru intervened. "Give him the best of wines but no whisky", he said. The Chief of Protocol was at first badly shaken; then he tried to impress upon the Prime Minister the necessity of supplying whisky, because it was not right to deny our guest the drinks he liked. For a time, Nehru was adamant, but ultimately, though with the utmost reluctance and displeasure, he gave in, and Eisenhower and his retinue had their usual pegs of whisky, which, no doubt, made them feel quite at home.

I must now revert to the United States. The first speech I delivered in the United States was to the Indian League of America at a lunch held in my honour at the Waldorf Hotel, and I thought that I should take that opportunity to make certain points which I could later go on developing at every function and in every speech during my stay in the country. I started by saying, "I propose to speak to you simply, frankly and sincerely. I think it is a much better way of putting one's ideas across than by using the art and artifice of a platform speaker". I emphasised the fact that I had noticed that there was friendship and goodwill in the United States in plenty for the people of India. I confessed that we had differed in the past, and still differ from the United States on certain matters. But I said that what contributed to true friendship between the two countries is a common belief in the basic things of life—a common approach to vital problems, a sharing together of values and principles which guide and control our actions and motives. I went on to describe what this

common approach was. I first referred to individual freedom. I said that we could achieve our objectives much more quickly if we set up a dictatorship and rule by decrees, and ride roughshod over the rights of individuals. We refused to do so, quite deliberately. We prefer slower, surer and more democratic methods.

I pointed out that we believed in the dignity of the individual, and the worth and value of every human soul, and that is why our constitution had made untouchability an offence. Then, we believed in the rule of law and in complete equality before the law. I emphasised the fact that every citizen, whatever his race, religion or caste, had the same rights. The Constitution was supreme, and every organ of the State functioned under it, and our Courts had the same right of judicial review which the American Courts had. I went on to say that more than all this, we fervently and passionately believed in the moral and political superiority of democratic institutions. It was we who kept the flag of democracy flying in the East.

I then tried to answer some of the criticisms against India which found widespread expression in the United States at the time. We had been accused of being neutral, and of refusing to support whole-heartedly the side that stands for freedom and peace. I said that that view was based on a total misconception of India's foreign policy. Ours was a dynamic foreign policy. Whatever else we might be, we were certainly not neutral in that sense but were passionately devoted to the cause of peace. We were one hundred per cent partisan as far as the maintenance of peace was concerned. We were equally devoted to the cause of human freedom. We hated cruelty, tyranny and oppression in any form, and we genuinely believed that the human spirit could only flower in an atmosphere that is free. We had been accused of not aligning ourselves with one side or the other in the cold war. I pointed out that our belief in co-existence and non-alignment was not a philosophy of weakness or evidence of lack of faith. We held fast to the ideal, because such a philosophy alone could relieve tension and remove the fear and suspicion from which the world so woefully suffered.

I also met the criticism that our democratic faith was lukewarm, because our government believed in socialism. I explained what socialism was in the context of India. We were not wedded to any "isms" but in the preamble of our constitution we had proclaimed that we would give to our people social and economic justice. In India, democracy and freedom would be empty words if they did not eliminate poverty and destitution and gave food and shelter to our people, and raise the standard of living. I referred to the communist government in Kerala and pointed out that this was the first time in communist history that a communist government had been elected through the ballot box, in a free and fair election.

I was also quite frank about what had caused irritation and uneasiness in the Indian mind with regard to American policy. I strongly criticised the American policy of military alliances with countries which were hostile to us, and which day in and day out indulged in anti-Indian propaganda. It seemed strange to us that while the U.S. was pouring millions and billions of dollars into India in order to help her to organise herself industrially, at the same time by giving arms to countries hostile to us she was compelling us to spend more and more on our defence and thus to divert our resources from being used for the good of our people. We were told that the American Government had made it clear that American arms would not be used against India. But we could not take the risks inherent in the situation.

I ended my speech with a few reflections about the future. I said that we in India were launched upon a great enterprise, the rapid transformation of an under-developed country into a fully developed and industrialised one. But we wanted to achieve our goal by democratic methods. Our people were watching and waiting; they wanted to know, and know quickly whether democracy could remedy the ills and diseases of a society which had been backward. Russia and China emphatically asserted that these ills and diseases could only be cured by communism. We were trying to show that progress could be achieved without having to pay the human cost that communism invariably entails. Therefore, democracy was on its trial in India. If democracy failed to produce the results as effectively as communism, demo-

cracy would be extinguished in the East, and millions of people would begin to turn to other ways and forms of government. I appealed to the American people to help us to prove that democracy was suited not only to highly industrialised countries like England and the United States, but also to poor and backward countries like India.

I ended with the remark that if the cause of democracy succeeded in India, the United States would have in India a powerful and trusted friend, pledged to support democracy without the help of any pact, military or otherwise.

During Eisenhower's regime Nixon was the Vice-President, and there were occasions when I met him. I took an instinctive dislike to the man. Of course, as Ambassador I did not show it. An Ambassador is supposed to control his feelings and expressions. But I felt that there was in him a lack of sincerity and a self-centredness which did not endear him to many people, and among these I was one.

There was an Indo-American Conference which Nixon inaugurated. Frank Moraes and Ashok Mehta were among the delegates from India, and I also addressed the conference. Outwardly, of course, Nixon seemed to be friendly to India and anxious to assist her development, but the authentic ring of sincerity was lacking. I also came to know Rogers, who was the Attorney General, and who is now the Secretary of State. He was an extremely pleasant and able man, and both of us being lawyers, we got on well together. I could not then foresee that he would be a party to Nixon's Vietnam policy. But he has been overshadowed by Kissinger, and is more a camp follower giving formal expression to Government's policies, rather than having a hand in making them. That, as every one knows, is left to Nixon and Kissinger. It is equally well-known what a ghastly mess they have made of it. But knowing Rogers as I did, I am very doubtful whether he is happy in the present set-up or the manner in which American policy has evolved, both in relation to India and in relation to Indo-China. Kennedy also I came to know well when he was a Senator. He and Sherman Cooper were our great support-

ers in the Senate, and Chester Bowles played the same rôle in the House of Representatives.

I took what we call a policy decision when I reached Washington. I found that we used to invite only those congressmen and those representatives of the press who were friendly to India. I thought that this was a serious mistake. I felt we should also invite those who were against us in the hope that we might make them realise that their views about India and Indian policy were mistaken. In any case if we failed in our persuasion, the situation would not be any the worse for the trying. I told my staff that we should continue to cultivate our friends. On the other hand, we should also not ignore our enemies. There was a strong pro-Pakistani and anti-Indian lobby both in Congress and in the press, and every effort to win over some, at least, from this lobby was, to my mind, certainly worthwhile. I took special pains to cultivate the press.

I had very good relations with all the representatives of the *Washington Post* which, by and large, was sympathetic to India. I knew Phillip Graham, the proprietor, and also Robert Estabrock, Alfred Friendly and J. R. Wiggins who were responsible for the editorial policy. With Wiggins I had particularly close relations. I often dined with him, and he was also frequently at my parties. He had been to India on a short tour, and when he returned he told me that the real opposition in India was not in Parliament but that it was the press. Edward Murrow, who succeeded George V. Allen as Director of the United States Information Agency in the Kennedy regime, also became a close friend of mine. He was one of the greatest broadcasters of all time, and won world-wide fame with his broadcasts from war-time London. His reports were trusted because he had courage as well as integrity. As head of the U.S.I.S. Murrow showed great initiative and was full of ideas as to how they should project America's image in the world outside. He felt that the world thought that his country was a domineering, dollar-conscious country which wanted to interfere and meddle with the affairs of other countries. He wanted the world to realise that A nerica still retained her old pioneering spirit, was most generous in helping causes about which she felt strongly, and looked with sympathy and admiration at the great Indian experiment

of improving the lot of a vast population by democratic and not dictatorial means. I had a quiet dinner with him and his wife just before I left the country. I was amazed at the simplicity of the man although he held high office in the administration. The dinner was cooked by his wife, and we helped ourselves to the food.

I found that, barring the *Washington Post* and a few other papers, the American press was, on the whole, rather hostile to us, and had a definite bias in favour of Pakistan. This was particularly true of the *New York Times* which wielded great influence in official circles, and also helped to create public opinion. I, therefore, thought that I should beard the lion in his own den-try and establish contacts with the newspaper and see whether it could be induced to show a greater understanding of our position. I had lunch in New York with the Board of Editors of the *New York Times*, and had a most interesting discussion with them. They put forward the usual American standpoint about Kashmir, about our so-called neutrality, our supposed pro-Soviet leanings as exemplified in what we had done about Hungary, and our support for China's admission to the United Nations; and I countered this as best I could. I had the impression when I left that there was a little more understanding and appreciation of our point of view; but whether that would result in any material change of editorial policy was very doubtful.

In the diplomatic corps I came to be very friendly with Gunnar Jarring, the diplomat from Sweden. He was a very quiet and self-effacing man, and at first glance did not give the impression that he had great political acumen. It was only when you came to know him closely that you realised that he had a very fine mind which, when applied to international affairs, understood and appreciated the full significance of the diplomatic moves initiated by the great as well as the small powers. We used to meet practically every week and talk things over.

The Ambassador of Iran was the son-in-law of the Shah. He was a young man, and he always confessed that he looked up to me as a senior, and liked to seek my advice on many matters. When I went to the U.K. as High Commissioner, he also came there as Ambas-

sador for his country, and our contact continued when he became the Foreign Minister of Iran, about which I shall write later.

I had also a close relationship with the Ambassador of Ceylon, Gunevardene. He was also the head of the mission at the United Nations, and he told me many stories that were current about Krishna Menon. He was obviously no friend of Menon's; and, according to him, the Afro-Asian group in the United Nations, which was very powerful at one time, had lost much of its influence partly because of the cavalier way in which Krishna Menon had treated this group. Gunevardene used to describe to me in great detail how Krishna Menon came to these group meetings with his famous stick, and lecture to them on international relations and politics and on how other countries should conduct their foreign affairs. He used to treat the representatives of other sovereign countries as if they were school children who had to be educated in the art of diplomacy, and that, not unnaturally, caused a great deal of resentment. It may be, he said, that Krishna Menon was abler and more knowledgeable than all the other members of the group. but every country has its pride and wants to be treated with respect and equality. After all, the smallest and least powerful country in the world has the same rights and privileges in the United Nations as the largest and strongest, and each carries a vote that in a particular situation might prove to be a crucial one. As it happened, Gunevardene was also in London when I went there as High Commissioner.

Turning to the Supreme Court, I naturally came to have many friends there. The outstanding judge at that time was Felix Frankfurter who was a remarkable man in many ways. He was a disciple of Justice Holmes who, he thought, and I think rightly, is one of the greatest judges the United States, or perhaps, the judicial world anywhere has produced. At the time I met him, his wife was bed-ridden and he looked after her with unremitting care and devotion. He therefore hardly ever accepted an invitation to dinner. I asked him over to lunch, and he willingly agreed on one condition, that it should be a purely tete-a-tête lunch. He said he did not believe in social lunches where no serious conversation was possible, and people indulged only in petty scandals and feeble small talk. I willingly agreed, and I had a most enjoyable

meal with him. He was not merely a great jurist, but had a wide-ranging mind which took an interest in all that was happening in the contemporary world. He was a great admirer of England and of English institutions. He had started as an extreme radical on the Supreme Court Bench, but had gradually moved to the centre, and finally to the right. His judicial and constitutional philosophy, at the time when I met him, was that it was for Congress to decide what laws the people wanted, and the Court should interfere as little as possible with the laws placed by Congress on the Statute book. I might describe him as a non-interventionist. He invited me in return to come and have lunch with him in his chamber in the Supreme Court, and this again was to me a memorable occasion. There were only the two of us. We talked about various things, particularly about law, and from time to time, he would get up from the table, take down a book from one of the shelves, and refer to a particular passage, usually from Holmes.

Chief Justice Warren also I knew well, as I have said earlier. I met him in Bombay when I was the Chief Justice. His was indeed a curious case. He had given up law, and had become a full-fledged politician, was twice elected Governor of California with the support of both the Democratic and Republican parties. And without doubt he had made a great success of his job. It was Eisenhower who induced him to leave politics and accept the Chief Justiceship of the United States. There were doubts as to how he would shape, having been divorced from law for such a long time; but he made a very fine Chief Justice. And his greatest moment was when he carried a unanimous court in the famous case which struck down segregation between white and black children in public schools. He exploded the myth of the doctrine of equal but separate, which was the justification for separate schools for Negro children. He, as the spokesman of the Court, pointed out that when there was separateness there could be no equality. He earned a bad name among Conservatives. The Supreme Court came to be known as the Warren Court, and delivered many other reformist pronouncements on the question of civil liberty and equality.

But the judge I knew best was Justice Douglas. He had been

to India, and had delivered the Tagore Law Lectures on the Indian Constitution. He was a radical at heart, and believed, not in paying lip service to the great principles enunciated by the American Constitution, but in giving practical effect to them through judicial decisions. He and I met constantly at parties and functions in Washington and, as I have said before, I also stayed with him at his country house on the West Coast.

The transformation that came about when Kennedy became President was very conspicuous. People in America felt that they had awakened to a new dawn, after a night which had been sometimes disturbed, sometimes uneasy and largely uninspiring and dull. Kennedy definitely had, to use a much abused expression, "charisma", in the real sense of the term. He was young, he was handsome, he was in possession of a huge fortune; and most important of all, he had ideas and a clear conception of the rôle of America in world politics. In Eisenhower's time, ideas as such were at a discount and life went on in humdrum fashion. Overnight, the situation had changed. New ideas were in the air and a conviction that ideas must be used to refashion human affairs—social, racial, international. The intellectual ferment was very evident. People were discussing philosophical concepts that lay at the base of international relations and activities. Everybody at the time was expecting that the American way of life would be ennobled and enriched by the lead that the new President was expected to give. Kennedy himself inspired these hopes and promised fulfilment by creating a Brains' Trust of some fine intellectuals from Harvard and Princeton. After the dull and drab period I had spent while Eisenhower was in power, I now found myself living in an exciting and stimulating world.

Kennedy's Secretary of State, Dean Rusk, was the very opposite of Dulles in his character, outlook and approach to problems. Whereas Dulles was a fanatical and assertive personality, Rusk was modest and retiring, and felt it his duty loyally to carry out the policy laid down by Kennedy. I do not think Kennedy thought much of him, and relied more on the judgment of his Brains' Trust than on that of his Secretary of State. Rusk had been a Rhodes scholar at Oxford, and we had the common bond

of having studied at the same University, which made our personal relations very pleasant.

The excitement began even before Kennedy became President, with the famous national debates which the two rival contestants for the presidency, Kennedy and Nixon, held on television. I watched all the three debates, and to an impartial observer there could be no doubt as to who was the superior. Before the debate started, Kennedy was not as well-known over the country as Nixon, and that was natural because Nixon was the Vice-President, while Kennedy was only a Senator. Nixon fell into the trap—he had a high opinion of himself—and accepted Kennedy's invitation to hold a debate in front of the nation on important issues with which the country was concerned. Nixon did not realise that he was, as it were, signing his own death warrant. Millions saw it and millions talked about it. I remember I had planned a formal dinner to which I had invited some of the ambassadors. I had overlooked the fact that the time I had given for the dinner was when one of the debates was scheduled to be held, and my secretary received telephonic communications from all the ambassadors that they would like to watch the debate, and therefore would come to dinner after the debate was over. I willingly agreed, as I was myself anxious to see the historic contest between the protagonists of two entirely different causes.

Whenever I met Kennedy after he became President he had always a cheering word for India, and showed great respect and regard for our Prime Minister. It will be remembered that in his inaugural speech he actually quoted some words of Nehru—something that an American President would not think of doing—which caused considerable comment in the country. Kennedy had a high respect for intellectuals and men with ideas, and he always believed that our Prime Minister was one of the tallest among the leaders of the world.

We wanted to organise the premiere of Satyajit Ray's "World of Apu" on a grand scale, and some time before the Presidential election I wrote to Kennedy that India and Indian art and culture would consider it a great privilege, if after he became President he would inaugurate this function. I said that I was

inviting him, not as the prospective President, but for his own personal qualities and his well-known feeling for art. I added that whatever the result of the election, I hoped he would accept my invitation. Kennedy wrote back a very charming letter, which said that I was too optimistic about his being elected President, but as he had not been invited as a possible President, but in his personal capacity, he would accept the invitation. The first of the official functions that Kennedy attended after his election was the premiere of Ray's film. My colleagues in the Diplomatic Corps congratulated me on this 'coup' and inquired how I managed it, and I replied, with an air of triumph, that it was due to a correct anticipation of the results of the Presidential election. Unfortunately, Mrs. Kennedy could not come as she was ill. I vividly remember one scene in the film when a graduate in Calcutta goes about looking for a job, and ultimately finds one in a press on a princely salary of Rs. 70! Kennedy turned to me and asked how much Rs. 70 was in dollars. I told him the equivalent. He asked me with some shock, "Is that the salary a graduate normally gets in India?" and my answer was that many graduates would consider themselves lucky to get even that salary. I informed him that thousands of graduates were unemployed, and could not get any job at all, and more and more graduates were being turned out by the Calcutta University every year. I told him that this would give him some idea of the colossal problem of poverty and unemployment that the country faced.

Talking of films, I should also like to mention that after Eisenhower's visit to India, I had arranged for an inaugural showing of three films "Quest for Peace", (Eisenhower's visit to India), "Folk Dances of India", and "Radhakrishnan". A distinguished gathering attended this function and there was much appreciation of what they saw.

Another function I remember with particular pleasure was the golden Award presented by Eric Johnstone, President of the Motion Pictures Association, to Satyajit Ray for his superb film directorship. Satyajit Ray was invited to the function and was to have come from Calcutta. But owing to his illness he could not attend, and therefore I received the Award on his behalf.

Every visitor to America visits Hollywood—that celebrated film centre—which turns out good, bad and indifferent films viewed by millions of people. I remember meeting and having a long and interesting talk with the great artist, Walt Disney, who is well-known to children all over the world, and whose *Disney Land* is a product of sheer imagination and genius. When I sat talking to him in his office I noticed one seemingly trivial thing. All over the place there were hundreds of pencils, and I humorously asked him whether he was a collector of this commodity. His reply was that whenever he got an idea, he must have a pencil ready at hand so that he could immediately draw something which might ultimately take shape as a film, or part of a film. One has seen Disney's cartoons on the screen. They seem to be a fairly simple affair, but I saw for myself the trouble he took in studying the character and actions of birds and animals portrayed on the screen.

During my stay in America, I must have visited more than thirty states. These were not pleasure jaunts. But they were so strenuous that when I returned to Washington I needed some rest before resumption of my normal activities in the capital. The Americans have a great sense of curiosity and a great desire to know what is happening outside their own country. They are a gregarious people, and they form themselves into innumerable societies and associations, and wherever I went I had to address societies like the Council of World Affairs, United Nations Association, women's organisations like the League of Women's Voters, Chambers of Commerce, Law Associations, English Speaking Unions, Kiwani Clubs, Scouts organisations, and many more I cannot remember. At every place, there was a press conference. I pleaded for our cause on the radio, and ε ppeared on television. Apart from this, I delivered several convocation addresses to the Universities in different parts of the country and I was honoured with doctorates from the University of Hartford, Temple University (Philadelphia), Boston University and Dartmouth College.

The convocation I particularly remember was the one at Dartmouth, which is a very famous University. It was held in the open air. This was in New England in autumn when the leaves

on the trees had taken on various colours; it was an enchanting sight. The convocation was arranged to discuss a special subject, namely "Great Issues of Conscience in Modern Medicine" and among the participants in the discussion were Aldous Huxley and Sir Charles Snow (as he then was), the scientist turned man of letters. The subject I chose was "Population Control." This was a subject I was vitally interested in and one on which I had made many speeches in different parts of the country. I said that the great crisis of the decade was not one of conflicting ideologies. The real explosive factor was poverty. The *per capita* income of one and a quarter billion people in one hundred under-developed countries was less than one hundred dollars a year as compared to the *per capita* income in the United States of 2,100 dollars. I added that by a curious twist in the working of natural laws, the largest increase in population was taking place in the least developed and the most backward countries. I further pointed out that, in essence, we had been suffering from the civilising effects of science and medical research. Civilisation had shown us how to reduce our death rate, but it had failed to indicate a way of controlling population. I thought this was one of the most important problems modern medicine must tackle. If life is sacred, and everything must be done to prolong it, then medical science must also find ways to prevent human beings being born into an existence of poverty, destitution and frustration. The concept of the sanctity of life demands that the dignity of the individual must be upheld.

I then dealt with some of the incidental moral and ethical aspects of the problem. I said: "To my mind, morality consists in giving least pain to fellow human beings and contributing to the largest extent possible to their well-being. Nor am I impressed with the argument that it is morally wrong to take life, that we should trust a benign and benevolent providence to feed all the mouths that existed in the world. Experience, unfortunately, does not prove that all the mouths are in fact fed. I would rather prevent life than bring into existence children who do not, and cannot, live as human beings, and who are a shame and a scandal both to Providence and to man." I concluded by saying: "To my mind, the real solution to this pro-

blem in India is cheap oral contraceptives, contraceptives as cheap and as easily available as aspirin or quinine." I emphasised this point because there were legal restrictions in America on the importing of technical knowledge about birth control and Americans were still very squeamish about the whole subject.

I should also record the Memorial Dinner given to Margaret Sanger in New York which I attended and at which I spoke. As will be remembered, Margaret Sanger was a great crusader on behalf of birth control. She had been jailed no less than eight times for carrying on propaganda of birth control. She was 76 when this dinner was given and she said in reply to the many speeches made in her honour: "It is very seldom that a person lives like I have lived to see the growth and development of an ideal."

After the dinner we went to the house of Hammerstein (of Hammerstein and Rogers fame) who have been responsible for the production of some of the finest musicals of modern times. Hammerstein had married an Australian wife and they had a lovely house in Philadelphia. We came to know them through Dr. Hyman and his charming wife. Dr. Hyman was a very eminent physician and had written many books on the subject. Hammerstein was very keen on bridge and so we sat down to play a few rubbers. But suddenly Hammerstein said that he was not feeling too well and retired, while we continued sitting and chatting. Mrs. Hammerstein then told me in the utmost confidence that her husband was suffering from cancer of the abdomen but she had kept the knowledge from her husband. The poor man did not live very long.

While I was there we discussed the fascinating subject of theatres and theatrical productions. I ventured an opinion that a young dramatist had a better prospect of getting his chance in London rather than in New York. Hammerstein then went into the figures of production in the two cities and said that no producer would take a risk unless he was more or less certain that the production would be a success. He could not possibly take a chance, as failure would mean not only considerable loss but possibly complete ruin. In England, where the risk was much

smaller, the producer could take the risk and back a new-comer to the world of the theatre. He admitted that this was most unfortunate, and that as a result it was difficult in New York to support young talent.

In one of my speeches I castigated the Americans for thinking that in entering into military pacts and giving arms to Pakistan, they were defending the free world. It was a serious error to equate the free world with the world that was merely opposed to communism. I understood by "free world" that part of the world where freedom prevailed, where one could give expression to one's thoughts and ideas, and where one was free to associate with whomsoever one liked. But there were in the "free world" the worst type of dictatorship, with anti-national reactionary forces strongly entrenched. "Were we to support these forces merely because they wore the badge of anti-communism, although the very support given to them may ironically result in the true forces of freedom being suppressed?"

I also spoke about American aid to India and enunciated three principles which, I said, should apply to the aid given by one country to another. The first was that the recipient country should be in a position to absorb the aid given, and use it to improve and better its economy. The second was that the aid should be intended to create a self-generating economy in the recipient country, and the third principle, which was most important, was that the aid should be given in furtherance of social justice and not to defeat it. If aid results in strengthening a reactionary Government and helping it to tighten the fetters upon the people, then the whole purpose and object of the aid is defeated.

I spoke on law to the American Society of International Law in Washington and also at the Annual Dinner of Law Alumni Association of New York University. Naturally, I could not shake off my legal and judicial past and lawyers and law students wanted to hear me on our legal system and our Constitution. I spoke of the role of education in the world of today at the Annual Meeting of the American Association of Land Grant Colleges and State Universities in Washington. "We must bear

in mind that democracy and freedom will survive by their inherent strength and not through the strength of the barricade that we build against the advancing forces of any alien philosophy. It is, therefore, for our educational system to give our young men a living faith in those principles which are inscribed in your Constitution and mine. We sometimes feel that because the very citadel of our beliefs is threatened and is in danger, we should give up a part of our basic faith in order to meet the greater danger more effectively. That, to my mind, is falling from grace, sinning against the light. I think, the greater the danger, the more resolute we must be in upholding our principles."

I discussed the consequences of the doctrine of the freedom of the individual when applied to the academic world. "First and foremost it means intellectual integrity; and intellectual integrity is only possible when a student is allowed to think for himself and to consider and judge the results of his mental process, however uncomfortable they may be, to the established and accepted opinion in the country." I said that what was true of thought was also true of speech. "Propagation of ideas is the birth-right of a free man, and no true education is possible unless ideas are discussed. And if they are erroneous, the error should be detected and exposed. One of your greatest judges said that only a present and clear danger would justify the suppression of this right."

I expressed my apprehension of what the long term result might be of the frightening advances made in science and electronics. I told my audience that recently I had been to Cleveland, and I was shown machines which could play chess, forecast election results, and one which even produced a symphony. I was relieved to learn that the symphony was without merit. I also sounded a warning against the danger of conformity. The media of mass communication like radio, television and the press often lead to a uniformity of thought and opinion. The history of civilisation was in one important respect the history of non-conformity. Christ and Gandhi were both non-conformists. They refused to bend their knees to the gods of the market-place, and for such refusal, one was crucified and the other assassinated; but they had left us an imperishable legacy.

As I have mentioned before, I appeared on television on several occasions, mostly on local programmes in various States. I also appeared in International programmes, the most important of which was "Face the Nation" conducted by the C.B.S. Television network. One faced a moderator and three reporters from leading newspapers who bombard one with questions which have to be answered on the spur of the moment. The programme is something of a challenge in that it is completely unrehearsed, and one has to be quick in one's reactions and also careful not to be caught out. One should not lose one's temper as the questioners deliberately put needling questions so as to excite one. There are unsuspected traps and one must not be hurried into saying things which may be embarrassing to one's Government. The moderator on the occasion was Bill Downs and the reporters were William Lawrence of the *New York Times*, George Herman of *C.B.S. News* and Elie Abel of *Detroit News*. The matter that was agitating the country at the time and about which questions were put to me was the suppression by the Chinese of Tibetan leaders, the incursion of Chinese troops, and our general attitude towards China. I contended that by the policy of exclusion of China from the U.N. we had incapacitated that body from taking action against the offending country. I said that, in my opinion, the more wayward China was the more indefensible her conduct, the greater the reason for admitting her to the U.N. I need not dwell at any length on this matter because history has justified the course which we consistently advocated and China is now a member of the U.N.

I was also asked to address the National Press Club lunch, which is regarded as one of the most prestigious functions in Washington. I remember I was asked, "Can you confirm news ticker reports that Krishna Menon has resigned as Minister of Defence, and the heads of the three military services have also offered their resignations?" and my answer was, "Mr. President, I have made it a principle in this country never to refuse to answer any questions and I will answer this question. I can assure you, I know as much about it as you do!" The usual questions about India and Pakistan were asked, and my answer was that it largely depended upon American policy whether normal rela-

tions prevailed between India and Pakistan. "If you will only realise what the real consequences of military aid to Pakistan are, you will start thinking afresh about the question. It is not only I who say this, but some of your most eminent thinkers have said it. Mr. Harriman calls it 'starting a race of armaments between India and Pakistan.' Lippmann has been saying the same thing. Therefore it is up to you, and the press here, to realise the importance of reducing tension between India and Pakistan."

One function which gave me great pleasure to attend was the handing over to me of the manuscripts of Lala Lajpatrai by the Director of the New York Public Library. Lajpatrai was in exile in the United States of America from 1914 to 1917, and had left the manuscripts for safe keeping with the Library. They were given to me for transfer to the National Archives of India.

Another interesting function was the swearing in ceremony of Galbraith as American Ambassador to our country. Unlike our practice in India, every American who is appointed as Ambassador to a foreign country has to go through an oath-taking ceremony. Normally, the Secretary of State makes a short speech and the Ambassador-designate replies. This was gone through on this occasion also. But, to my surprise, Dean Rusk, who was the Secretary, suddenly called upon me to say a few words too. I was taken unawares because I had given no thought to any possible speech. I was accustomed to speak extemporaneously; even so, on important public occasions one must prepare one's speech in one's mind, and give considerable time and thought to what one is going to say. As Oscar Wilde once said, the best extemporaneous speeches are those which are most thoroughly prepared.

In my speech on the occasion I said: "As you yourself have said, Mr. Ambassador, here are two democracies, one the most populous and the other most affluent, and you have to find a bridge between the two. The populous democracy has to understand how underdeveloped countries can raise the standard of its people. The affluent society has to learn, if I may say so, how one can live on things of the spirit and how sometimes things of the spirit are more important than material things." Mr. Galbraith is an extremely tall

man, and humorously referring to this fact, I said that I found only one defect in Mr. Galbraith. Instead of speaking to people with whom he would come into contact in India face to face, he would not be able to help looking down upon them.

Galbraith, in his published diary, often refers to bad cooking in various Embassies, and particularly in his own Embassy in New Delhi. *The Times* of London, in its review of his book, commented that as far as his own Embassy was concerned, the simplest and most obvious thing that Galbraith could have done was to have changed the cook. I noted with great satisfaction, however, that he refers to the lunch he had with me and my wife after the swearing in ceremony and remarks that the food we served was very good. The tribute is to my wife than to myself.

Galbraith is a most fascinating man, the quintessence of the intellectual, with a fine sense of humour, and a tongue that could be bitingly sarcastic on occasion. Kennedy had great respect and regard for Galbraith and was sometimes guided by his views, which were always expressed frankly and fearlessly and with objectivity. Galbraith told me at the lunch he had with us that when Kennedy became President, he invited him to accept some responsible post in the administration. Galbraith replied that the only post he would accept was that of the Indian Ambassadorship. This was both a tribute to our country, and also evidence of his keen and abiding interest in the Indian cause. As a noted economist, he was fascinated by the problems of an underdeveloped country like India trying to stand on her own feet, and to advance from a stage of backwardness to industrialisation and prosperity.

I have earlier referred to some of the people I came into contact with in the world of diplomacy and those who were connected with the press. I should like to refer to a most interesting meeting I had with Aldous Huxley when he visited Washington. He and I went to see some of the paintings exhibited in the National Museum, accompanied by the Director. As is well-known, Huxley's eyes were giving a great deal of trouble, and he was very near blindness. He used to wear very thick glasses,

but the number of the lens went on increasing, and his eye-sight went on deteriorating. He ultimately decided to completely discard his glasses, and to improve his eye-sight by taking certain exercises, about which he has written at length. When I met him he did not wear glasses. He used to stand before a painting, come very close to it, peer into it, like a man who could see with difficulty, and then speak with great fascination about the work, about the painter, about the age in which he flourished, and the outstanding characteristics of the work. We went around the gallery for about two hours, and to me it was a sheer intellectual and aesthetic treat. I had known Huxley only through his books which I had admired a great deal, and I considered it my great good fortune that I had met and talked to him in a friendly, intimate atmosphere.

I also remember the reception given in the United States to Fidel Castro. At that time the relations between the United States and Cuba were normal, even friendly. I will have to say much more about him when I write about Cuba. On this occasion I was meeting him for the first time. When I went up to him as he stood in the receiving line, and I was introduced to him, he paused instead of passing to the next person in the queue, and spoke to me for two or three minutes expressing his great admiration for Jawaharlal Nehru. He said that in the administration of his country he always placed before himself the great principles governing international affairs which Nehru had enunciated, and asked me to convey to Nehru his deep respect and regard for him.

There was a convention in Washington that whenever a Prime Minister or Head of a Commonwealth country visited the American capital, the ambassador of the Commonwealth country concerned would invite the ambassadors of all the Commonwealth countries to meet the Prime Minister or the head of the State. As far as I remember, during my stay there we had Macmillan, the Prime Minister of U.K., Menzies, the Prime Minister of Australia, and Nkrumah, the head of Ghana, visiting Washington. Macmillan behaved like a proper Englishman, dignified and extremely polite. But you could see that he belonged to, and was a great defender, of the "Establishment". In the discussion

that took place and in the questions that were put to him he was carefulness personified, though one could appreciate the finesse and the maturity. Menzies was quite the opposite of Macmillan. He belonged to the category of "hail fellow well met". He had an exuberant personality, was full of jokes, and one could see that he carried the burden of his Prime Ministership lightly and without much fuss or fan-fare.

Nkrumah was again a different proposition altogether. He was extremely able and eloquent, assertive and arrogant, and was already behaving as though he was the saviour of Africa, perhaps of the whole of the third World. Nkrumah was already on his way to deification. No one could possibly have dreamt at that time that he would be overthrown in a coup and die as an exile in a foreign country.

The Roman Emperors when they went in procession used to have a person walking in front, shouting "memento mori"—remember you will die. I wish we could follow their example. When judges go to court the chowkidars in front of them could shout, "Remember one day you will have to retire" and the Ministers and high public officials should equally be reminded that one day even their power might come to an end. We would make the mighty feel a little less mighty, a little more humble in the realisation that no one person in the world could have all the knowledge and the wisdom that there is.

While I was at Washington, Nehru visited the United Nations, and I went to New York to be with him for the few days that he attended the sessions of the Assembly. Krishna Menon was the leader of the Indian Delegation. I could see that so far as the business of the Assembly was concerned, Nehru was completely under the influence, and I might even say domination, of Krishna Menon. Any opinion that Krishna Menon expressed was like gospel to him, and he had neither the patience nor the inclination to listen to any other point of view.

It must be one of the best remembered U.N. sessions. For, besides Khrushchev, many heads of Government came. It was the famous session at which Khrushchev pounded the desk with his shoe and Fidel Castro removed his mission to Harlem.

One memorable event I can recall in connection with my visit to New York was the dinner Nehru gave to Khrushchev. It was a small private dinner in Nehru's rooms on the top floor of Hotel Carlisle which commanded a magnificent view of New York. At this dinner, besides Nehru and Khrushchev, Krishna Menon, Gromyko and the Head of our Mission in New York were present. As soon as Khrushchev arrived, Nehru put his arm around Khrushchev and took him to the balcony to admire the view. Khrushchev looking at the tall stately buildings observed: "I see capitalism is still rising." Dinner lasted for about two hours, and Khrushchev was in a gay, ebullient mood, telling stories and forgetting for the moment the cares of the world and the strains in Russo-American relations. Every one was in good spirits and the dinner was one of the most enjoyable I have attended.

I would also like to recall my visit to Puerto Rico as the guest of its Governor, Munoz Marin. Puerto Rico is a Caribbean State, then an American dependency. Marin was a brilliant politician and had won his elections with large majorities. The controversy then raging in Puerto Rico was whether the country should become one of the States of the United States, or should maintain its autonomy as a dominion of that country. The Governor was strongly opposed to merger. He told me that he had all the advantages of American citizenship without its responsibilities and liabilities. He explained that if the people became American citizens, among other things, they would be liable to pay the Federal tax. As citizens of Puerto Rico they were given special privileges with regard to customs, etc., and this was a much more satisfactory arrangement than outright merger, and its corollary —American citizenship—which under the circumstances had more prestige than practical value.

But what impressed me most was what he told me about the Constitution of his country. The constitution provides that if at a general election the opposition did not get a certain minimum number of its members elected, then that number or percentage would have to be made up by providing weightage and by some other means. This is because, in their view there could be no effective democracy unless there was an effective opposition. He confessed that the spectacle of Ministers sitting on the Govern-

ment Benches and facing a void opposite did not appeal to him. This has some bearing on what has happened in our own country in the last General Elections. The opposition has been practically decimated, and most of the leaders failed to get themselves re-elected. It is worth considering whether we should not devise some method by which the existence of a critical and constructive opposition could always be ensured in Parliament, so that Government could be prevented from running amuck by reason of its overwhelming majority.

On June 15, 1960, I wrote to Nehru suggesting that I should be allowed to retire from my post and return home. This is what I wrote: "I feel that in any assignment one should not outlive one's usefulness. I have already travelled in many parts of this country. I have spoken to various sections of the people. I have tried to interpret to them what India stands for. Indo-American relations were never more cordial than they are today. Suspicion about India's so-called neutrality and socialistic policy has been removed, and there is fairly full appreciation of both India's foreign and economic policy. Under these circumstances, I feel that continuing to stay here would only mean my enjoying the pleasures and luxury of the American way of life without my being able to make any further contribution to the interests of our country. Apart from the fact that I intensely dislike exile from my country and being removed from the centre of things, I think I can serve her much more usefully by being at home than abroad".

Nehru sent a very kind reply to me on June 28, 1960. He wrote: "Whether you are in India or abroad, I have no doubt that you will be performing a useful service to the country, but I confess that I do not like the idea of your returning to India in the near future. You have done such excellent work in Washington that I naturally like this to continue. Also, frankly speaking, it is not an easy matter to find a suitable person for Washington." He added: "I do not know if you have in mind political life in India which means, I suppose, standing for election to Parliament. Undoubtedly you would be an acquisition to Parliament. We would all welcome you there. A general election will take place

in January/February, 1962. Even from that point of view, there is no need for you to return to India this year. You might return, let us say, a few months before the elections. I hope, therefore, you will agree to stay in Washington till about August end, 1961." Under the circumstances I had no option but to fall in with the request made by the Prime Minister.

When I ultimately decided to leave the country, I went to say goodbye to President Kennedy. I went to the White House accompanied by the Assistant Secretary. Kennedy came out of his office room to receive me, and asked me to come in. Normally, an Assistant Secretary is always present at such interviews, but Kennedy beckoned the Assistant Secretary away, and indicated to him that he wanted to speak to me privately. As I entered the room, I saw the famous rocking chair in which he used to sit because of his trouble with his back, and I could not resist asking, "Mr. President, is this the famous rocking chair about which we have heard so much?"

Kennedy spoke to me for about 45 minutes, and surveyed the world situation, more particularly Indo-American relations. He showed in no unmistakable terms the friendly feelings he had for our country, and his regard and respect for Nehru. He expatiated on the Chinese menace, and wanted India to play a dominant rôle in that part of the world, and thought that our country was the only country that could counter and resist the Chinese advance over the continent. He was sure that all the small South-East Asian countries realised the danger from China, and would willingly look to India for moral support, if not physical help India had a rôle to play, necessitated by both history and geography, and she should not shirk the responsibility. India should offer the South-East Asian countries a sense of security. Kennedy agreed that these countries should be non-aligned, and he would guarantee their neutrality. I asked him how, for instance, Thailand would fit into this picture, when Thailand was bound to the United States by a military alliance. He assured me that if India agreed to accept her share of the burden he would prevail upon Thailand also to be non-aligned. He was speaking with great sincerity, like a man with a vision and a message to deliver.

When I returned to India and saw Nehru I told him about what Kennedy had said. Nehru's reactions were not favourable. He thought that the suggestions would really amount to a sort of alliance among the South-East Asian countries, and would be looked upon by China as an anti-Chinese move deliberately aimed at her interests. He repeated that he had always been opposed to military alliances and military pacts, because they led to more tension, and certainly did not advance the cause of peace

One thing that gave me great happiness while I was in the United States was a letter dated November 23, 1960, I received from the Rector of Lincoln College, which was my college at Oxford. He said: "My colleagues here have noted the great interest and distinction you have gained as a lawyer and as a diplomat, and Mr. Simpson, who is now responsible for teaching law in this college, has proposed that you should be elected to an Hon. Fellowship. The proposal was greeted with enthusiasm by all my colleagues, and if you are prepared to accept the election I shall notify the University, and I will take further steps which are usual to give publicity to it."

I immediately replied: "Nothing will give me greater pleasure, nor do I consider anything as a greater honour, than to accept the Hon. Fellowship of my old college at Oxford. From time to time in one's life one looks back and surveys the road one has travelled, and so looking back I cannot think of anything which has remained more closely in my memory or in my affection than my three years at Lincoln." When I went to London on my way back to India in 1961, the college gave a dinner in my honour. I met the Dons, and the most exciting thing was to enter the senior common room which is reserved for professors and fellows in the college. During my three years there I had never crossed the threshold of that *sanctum sanctorum*. After dinner we sat drinking port and brandy, smoking cigars and talking about everything, and passing judgments on men and affairs with total irreverence, mixed with a feeling that nothing that happened outside the portals of the college really mattered.

I cannot conclude this chapter about the United States without paying a tribute to the loyalty and devotion I received from my

colleagues. I was fortunate in having people working with me who had outstanding ability. I cannot mention every one, but I should like to mention Dayal, brother of Rajeshwar Dayal, who was my Counsellor for a short time, and then left for India on another assignment, and whose untimely death was a great loss to the Foreign Service. My next Counsellor was Chatterji, who is now our Ambassador in France. There was Menon, who was my First Secretary, and who now occupies an ambassadorial post.

I cannot overlook Major Batra and Squadron Leader Latiffi, my military and air attaches respectively. Batra and his charming wife were very popular in all circles in Washington, and he had contacts with all the top brass in the Pentagon. He suggested to me that we should celebrate the Army Day at the Embassy. This had never been done before, but I immediately fell in with his suggestion and the result was a most successful reception at the Embassy, which was attended by all the men in the Services who counted in Washington. Latiffi and his wife also made themselves completely at home in Washington and were cordially received in the highest circles in Washington.

I would not be forgiven if I did not mention Mr. B. K. Nehru, who was appointed Economic Commissioner with the status of Ambassador. He is a brilliant economist and his wife, though a foreigner, is more Indian than most Indians. With her charm and persuasive powers, she won over many Americans in Washington to the Indian cause. In the beginning there were some difficulties about having two Ambassadors in Washington, but the obstacles were overcome and my relations with B. K. Nehru remained most cordial.

A diarist, Durga Das, has in his book adversely commented on my work in the United States. He has written that in Washington I stood on my dignity, and wanted Americans to come to me, and that I made speeches against Pakistan in order to gain publicity for myself. Diarists have a tendency to exaggerate, and can sometimes invent stories which have the most meagre foundation in truth. I have already said enough about how difficult a diplomat's position can be, how carefully he must watch what he says and what he does. But I must say that not only did I not stand on my

dignity and expect Americans to come to me, but I went all out to meet them. I travelled from one end of the country to the other, speaking indefatigably about India and India's stance in foreign affairs. Americans heard me so often and through so many different media of communication that they must have been completely bored with my ceaseless oratorical performances. Perhaps Mr. Durga Das's source of information was some underling in the State Department. I confess that I did not cultivate underlings or junior officers in that Department. It would not have become the dignity of India's Ambassador. My contacts on the official level were confined to the Secretary of State and the Assistant Secretary.

With regard to my speeches about Pakistan, Mr. Durga Das forgets that one of the main objects of my mission in the United States was to explain to the Americans the nature of Indo-Pak relations, and to show the harm that the American Government was causing by a continuous supply of arms to Pakistan. If, in doing so, I gained publicity in India, it only shows that the Indian public was in fact interested in knowing what their Ambassador in America was doing and what views he was expressing.

Before I left Washington I gave an interview which summed up what had been achieved during my tenure of two and a half years of Ambassadorship to the United States:

"In both India and the United States the suspicion and misunderstanding of the past has sharply diminished. When I came here two and a half years ago, neutralism was distrusted and suspected. Today it has become respectful. The change in American policy is so great that America now wants neutral States in Africa and South-East Asia. The other great change is in the appreciation of India's economic policies. There was a feeling here in the past that India was socialist and socialism was equated with communism. Now there is an understanding of the mixed public and private sector development we are pursuing. The additional economic aid to India by raising 2,225 billion dollars was striking evidence of American confidence in Indian policies and India's future. The United States and India are most significantly closer in mutual respect and understanding."

Diplomacy

Part II — Mexico and Cuba

WHILE I was Ambassador to the United States I was also accredited to Mexico and Cuba, and I paid two or three visits to these countries during my stay in the States.

Mexico stands on a table-land which is about 8,000 ft. high and a visitor from Washington is warned that this disparity in height undermines the energy of the visitor, and he should take it easy at least for the first 24 hours. I never took this advice seriously as my visit was always short and I had to go back to Washington as soon as possible. I could not therefore afford to do nothing for as long as 24 hours.

One thing that strikes a visitor to Mexico is the complete integration of the three races that live in that country. There are the pure Spaniards, there are people of mixed blood, and there are pure American Indians. You see at all places men and women of these three races mixing together, completely oblivious of the difference in the colour of their skin. Normally, when a country has been under the domination of a white race, even after liberation the people of the white race feel themselves superior, and show their superiority in many small ways. And the natives of the country seem to accept that the erstwhile ruling race must have had some special virtue which permitted them to keep the country under their domination. But this sort of inferiority complex was completely absent in Mexico. On the contrary, the Spaniards were shown up in various paintings in the picture

galleries as a cruel and heartless race, as ruthless persecutors of the Mexican people, and as having forced conversion on them by means of fire and sword. If anything, it was the Indians who thought of themselves as the superior race. One of Mexico's most famous Presidents, Juarez, was a pure Indian, and one of the finest avenues in Mexico City is named after him. If one wants to abuse a Mexican, the worst form of abuse would be to say that he has not a drop of Indian blood in him. Nowhere else in the world have I seen people behaving so naturally, or dealing with one another on a basis of perfect equality as in Mexico, where three races living together have so successfully practised the doctrine of "peaceful co-existence", and have got on well together.

Mexico City itself is a very modern city, exhibiting all the well-known signs of affluence and prosperity. But the poverty of the country hits you in the eye when you leave the city and travel around even in its more immediate environs. The contrast shows that the Government has not succeeded in doing very much for the people of the country. Industry, which is largely in the hands of Americans, has only made the rich richer, but has failed to solve the main problem of poverty.

One of the finest achievements of the Government is the University. It was built by some of the most famous architects in Mexico, and it has a very large campus. The funds for the University were raised by floating State lottery tickets. A love of gambling is innate among South Americans, and the Government wisely channelised this instinct and put it to the best possible use in the interest of the people at large. After my first visit to Mexico, I wrote to Nehru about this University and suggested to him that we also should start lotteries. I reminded him that Ireland had built most of her hospitals out of profits made by running the famous Irish Derby Sweepstakes. The reply was prompt and unequivocal: "There are certain traditions in our country, and it is immoral to give an impetus to the gambling instinct by floating State lotteries. The State, instead of encouraging this vice, should try and control it, if not put it down altogether."

I am glad to find that many years after I wrote this, almost

every State has started organising State lotteries. Unfortunately, in India it takes such a long time to learn from the experience of other countries. We refused to learn from the American experiment in prohibition, with the result that revenues amounting to crores of rupees were lost, while corruption spread to the police, and even the bar and the judiciary were affected. Here again, we are retracing our steps, but at what cost?

There was a strong artistic and intellectual movement in Mexico during my time, and those who belonged to it were looked upon as leftists, and sometimes even as communists. The well-known painter, Siqueros, was a great friend of Nehru, and I came to know him well. He invited me to lunch, and asked me whether I cared more for food or for the surroundings in which one ate it. I answered without hesitation that if the food was good, I did not mind eating it in a hovel. He said he would take me to a restaurant where I could taste real Mexican food and not a westernised variant of it. We had a delightful lunch, and I found that Mexican food has many similarities to that of our own. The Mexican drink, *tequila,* is extremely potent. You put some salt on the back of your left hand, and hold a slice of lemon and as you sip the drink, at the same time you eat the salt and suck the lemon to neutralise the effect and potency of the drink. Their bread is also very much like our *chapati.*

Siqueros was responsible, along with two or three other famous painters, for starting a new school of painting. Mexico is famous for its mural paintings, and almost every building in Mexico has paintings outside and inside it. If I am not mistaken, there is a provision in the law that a certain percentage of the construction cost must be devoted to beautifying the building. This policy has, of course, given great encouragement to artists. When I was there, Siqueros was engaged in doing a mural painting in one of the more important government offices, and he asked me whether I would accompany him and see how he worked. I went with him and was fascinated by the way he went about it. He would mount a ladder and shoot paint at the wall through an instrument which very much resembled a revolver. Later I learnt that soon after our meeting, he was arrested, and detained in prison for his allegedly communistic leanings. I wrote to Nehru

to intercede with the Mexican Government on his behalf, but nothing came out of it, and I think he remained in jail for a considerable time.

I was invited to the celebration of the 150th anniversary of Mexico's freedom. In 1810 a priest by the name of Hidalgo rang the bell in a church in a small village at midnight, and declared Mexico independent and free from the colonial rule of the Spaniards. This symbolic gesture stirred the nation to its core, and the flame of revolt spread everywhere, ultimately leading to the liberation of the country. The celebration was organised on a massive scale and every detail was attended to with the utmost care.

Representatives of all the countries of the world were asked to participate in this celebration. Our Government did not wish to send a delegation, but asked me to represent India. I went to Mexico accompanied by my wife and my younger son. We travelled from Mexico City in a luxurious train to the far away village town of Dolores Hidalgo which, for the time being, had the eyes of the whole of Mexico and perhaps of the world concentrated on it. The President of Mexico played the rôle that the humble priest had played 150 years ago, and from the very church rang the bell, to the acclaim of the distinguished gathering that had assembled there in stands specially constructed for the ceremony.

On this occasion, I came to know Lord Hailsham, who was the leader of an All-Parties British Delegation. I was highly entertained by his brilliant conversation, and enjoyed his puckish humour. I met him again recently at a State Dinner in Delhi when he came as the Lord Chancellor of England. An article had recently appeared in *The New Statesman* which I had read containing a pen-picture of Hailsham. Among other things, the article stated that Hailsham looked most unhappy on the woolsack as he sat there listening to the speeches of the Peers. He would make witty comments on the speeches as they were being delivered, to those who sat close to him, the wit being often expressed in language which was anything but parliamentary. When I met him in Delhi I told him about this article. He gave

a delightful smile. "You know", he said, "I have been a very naughty boy. I am now trying to improve." He had indeed been the naughty boy of British politics, the stormy petrel. It could never be said with certainty what he would say or do next, and I am sure that he would rather be in active politics than adorn the wool-sack, though I must confess that some of his judgments I have read show a deep knowledge of the law, and a great felicity of language in declaring the law.

Cuba was altogether a different proposition. Starting with a handful of men, Castro had seized power from the corrupt and reactionary President, Batista, and had started the Cuban revolution. Relations between Cuba and the United States were for sometime friendly, but they gradually deteriorated and ultimately culminated in what was, in fact, an American invasion, which came to be called the "Bay of Pigs Invasion". Kennedy was completely misled by his advisers who assured him that if the immigrants from Cuba, who were living in the United States, landed on the Cuban coast assisted by American military power, the whole country would rise in revolt.

The incident conclusively proved that the people of Cuba were with Castro, and the Bay of Pigs Invasion ended disastrously. There was no rising or revolt against Castro. The incompetence and inadequacy of the C.I.A. were also established and, most important of all, it was proved that the intelligence reports supplied by the C.I.A. were not based on facts but on what the C.I.A. thought should be the facts.

When I went to Cuba for the first time I was received by the Chief of Protocol, who seemed a mere boy. I was surprised and asked him how he reached this high position at such an early age, and his reply was characteristic. "Our revolution is a young revolution, young in its duration, and young judged by the men who made it, and who are now implementing it." The Foreign Minister came to meet me at his office where I had called; he too was extremely young. I thought at first that he was the private secretary of the Minister, but he turned out to be the Minister himself. Castro, himself, was a fascinating character. He told me that the revolution was neither a Communist revolution

nor a Russian revolution, but solely a Cuban revolution suited to the conditions of his country. He used to speak for hours at public meetings, on the radio and television and never tired of repeating the principles underlying the revolution.

In Cuba the mode of official entertainment is to invite the guest to a public restaurant. Accordingly, for my first formal dinner, I invited Castro and the whole of his cabinet, to a restaurant made famous by Ernest Hemingway. The cabinet then consisted, among others, of a person who later became internationally famous, Che Guevara. We met at the restaurant at about 9 o'clock for drinks, before proceeding to dinner. Punctuality is not a strong point with South Americans. They are somewhat like us, and they consider time as a rather insignificant and irrelevant factor in the scheme of things. It was about half past 9 before all the members of the cabinet turned up, but Castro had still not come. Che Guevara told me that Castro had specifically expressed his desire to be present. He would surely come, but we should not wait for him for dinner, and he would join us as soon as he was free.

We began dinner at about half past 10. Castro turned up only after we had finished dinner and were smoking cigars over coffee and brandy. I had kept a chair vacant for him near me, and he came and sat down, and said he would like to have some coffee and brandy. I asked him whether he would not like to eat something first. He said, "No. Brandy is as good a food as anything else." He had brought his doctor with him, who sat opposite him. Looking at the doctor he said: "That man does not permit me brandy or a cigar. He thinks I am overdoing it. Doctors are usually wrong."

Two violinists, who were entertaining some other party in the adjoining room, came to our table and warmly embraced Castro, and began playing some favourite tunes of his. Castro talked to them most informally, not as Prime Minister but as a fellow Cuban. The brandy, coffee and cigar interlude lasted for about an hour. It was nearly 1 o'clock when we went out together to our cars. I naturally waited to see Castro off first. But Castro was talking to a crowd that had collected, and somebody whispered

in my ear that if I waited for Castro I would have to wait till 4 o'clock. So after shaking hands with him we quietly slipped out. I learnt the next day that what I had been told was perfectly correct, for it was 4 in the morning when Castro left the crowd and went home.

Talking to Che Guevara I felt that I was talking to a man who was a wholly dedicated soul, fired by revolutionary ardour. He had the appearance more of a prophet than a politician or member of a Cabinet. I did not then foresee the fame or, according to some, the notoriety that fell to his lot, or his terrible and untimely death.

Castro talked to my younger son who wears a beard, and tried to persuade him to settle down in Cuba, and jocularly remarked that with his beard he would fit in with Cuban society. Fortunately, my son did not succumb to the invitation he received from such a high quarter.

My holding the ambassadorship both of the U.S.A. and Cuba often resulted in diplomatic difficulties, and I had to use such diplomatic finesse as I possessed in order to maintain cordial relations with both the countries. I was invariably interviewed in Cuba about the American attitude towards that country, and in America about the Cuban attitude towards America. No interview ever presented more difficulty for me than these, when I had carefully to pick and choose my words so as not to hurt the susceptibilities of either country.

The trouble with Cuba was that its economy depended upon practically one industry, and that was sugar. This is why America tried to put pressure on Cuba by cutting off the quota of sugar, which it used to import from that country. One of the objectives which Castro had placed before himself was to diversify the economy. I went round the country to see how they were setting up poultry farms and other agricultural industries. How far Castro has succeeded I do not know, but he did set out to improve the economy with grim determination. But I was conscious of the difficulties and obstacles in his way, particularly as the American boycott had hit his country very hard.

Diplomacy

Part III—United Kingdom

WHEN I returned to India, the first serious problem I had to tackle was finding a roof over my head.

When I left for Washington, I was staying at Chief Justice House, which I naturally had to give up when I resigned as Chief Justice. So while I was in America the grim prospect of having no house to live in on my return to Bombay was always present to me. Some time before my departure from America, I wrote to Nehru and told him that as I had to leave suddenly I had no time to make any alternative arrangements; and although I had never asked him to do anything for me in the past, I had now to make the request that he should move the Bombay Government to find a flat for me when I returned. Nehru, with his well-known consideration for others, immediately realised my predicament and wrote to me that he would see to it that I got a residence when I returned. Let me say to his credit that Nehru immediately communicated with the Chief Minister, and asked him to do everything possible to find a suitable residence for me, and the Chief Minister himself told me that whenever Nehru came to Bombay he used to remind him about my residence.

The Chief Minister collected a list of flats that had been requisitioned by the Government, and handed it over to my daughter, asked her to see these flats personally so that the Government could de-requisition whichever flat she selected,

provided the consent of the landlord to accept me as a tenant was obtained. My daughter went from flat to flat, but every landlord she approached refused to let out the flat to me after it was de-requisitioned. The reason was obvious. They wanted a *pugree*, and knowing my strong views on this subject, my daughter refused to consider any such proposal. The reason for the Government having to de-requisition the flat was also obvious. As I would not be a government servant when I returned to Bombay, no premises could be requisitioned for me, as such requisition would not be for a public purpose. The Government could only help me by removing its requisition; but finally, the matter had to be settled on a contractual basis between the landlord and myself.

There was only one landlord, Mr. Amersey, an industrialist, who, out of regard for me, agreed to let out a flat on the same rent as he received from the Government. But this flat had been requisitioned by the Defence Department for its military personnel, and therefore the de-requisitioning had to be done by the Defence Ministry, which, however, refused to do so. Therefore, I was in the unhappy position of landing in Bombay with my wife without literally having any home to go to. Fortunately, my good friends, Mr. and Mrs. Geverek, who came to receive us at the harbour—we had returned by sea—insisted on our staying with them till we found a proper residence. I shall never forget the debt of gratitude I owe to them for this courtesy and consideration. I shudder to think what could have happened to us if they had not come to our rescue.

When I went to Delhi to see Nehru, the first thing he asked me was whether I had got a flat and I said "No", and added that I had been staying with friends for some time, and very likely I would soon have to sleep on the pavement. I drew his attention to the conditions prevailing in Bombay in the matter of securing a flat. I pointed out to him that if a man in my position, an ex-ambassador, strongly backed by the Prime Minister and the Chief Minister, could not secure a flat without paying *pugree*, what would be the plight of an ordinary citizen? I also told him that Krishna Menon (who was then the Defence Minister) could

help me, but was not inclined to do so. He listened and then merely suggested that I should see Krishna Menon.

I went to see this great personage at his house at night. He was sitting there, surrounded by black boxes, in which many military secrets were, no doubt, concealed. He received me rather curtly, and asked me what the object of my visit was. I told him. He said it was difficult to de-requisition the flat because there would be questions in Parliament, and he would be asked why he had discriminated in my favour. I suggested that he should tell Parliament what the facts were. If the Chief Justice of Bombay gave up his house at the call of the Prime Minister, the least that the Government could do was to see that he had some place to live when he returned from his assignment. He did not seem to see my point of view, and showed his disinclination to make the flat available to me. It was rather ironic that Krishna Menon should speak of Parliamentary criticism; obviously, he had forgotten the jeep scandal.

I was staying with Nehru then, and at breakfast he asked me what had happened at the meeting with Krishna Menon. I told him the whole story. He looked very grim, but did not say anything. He must have phoned Krishna Menon and asked him to issue the necessary order, because when I returned to Bombay I was informed that the Defence Ministry had agreed to let me have the flat. But my troubles were not yet over. Krishna Menon raised all sorts of difficulties. He said I could go into the flat without its being de-requisitioned because, if I found some other flat, this would be available to him for defence purposes. I had some difficulty in explaining to him the obvious legal proposition that I, who was not a Government servant, could not move into a requisitioned flat. My poor wife worried herself literally to death, asking me everyday what was going to happen to us as we could not go on indefinitely enjoying the hospitality of the Gevereks. Soon after we moved into the flat in which I am still living, she passed away. It was a blow, sudden and unexpected, under which I reeled, and from which even now I have not wholly recovered. I could never imagine my life without her being by my side. But I will write more about this in a later chapter.

When I returned to Bombay, the General Elections were in the offing, and Shantilal Shah came to see me and requested me to stand for the Lok Sabha from Bombay. He said that he had talked to the members of other parties, and they had more or less agreed that they would not set up opposition candidates against me. He had written to me while I was still in the States, to say that I should not commit myself to stand for any constituency or for any party before I had a talk with him after my return.

I told Shantilal that it would be a great honour and privilege to represent the city of Bombay in the Lok Sabha. The whole of my life, except for a few years abroad, had been associated with this great city. I was born here, and hoped to die here also. I had been the Chief Justice, and had been closely connected with many associations. I was passionately devoted to this city, and had been part and parcel of its life in its many different aspects. I thought the matter was settled, and I could look forward to being elected and finally entering Parliament, which was a cherished dream of my younger days. Then came an unexpected blow. Nehru decided, against much opposition from the city itself, to put up Krishna Menon for the seat which Shantilal had suggested I should contest. Shantilal wanted to know whether I was prepared to fight Krishna Menon as an independent, and he assured me that I could count on the widest possible support. I rejected the proposal without hesitation. I told him that whatever my views about Krishna Menon might be and whatever the feeling in the city, I was not prepared to oppose a candidate whom Nehru had chosen and in whom he reposed confidence.

Some time later, the Congress put to me what I thought was an extraordinary proposal. I was told I should stand from Aurangabad where the majority population was Muslim, and I could be sure of being elected. It was an absolutely safe seat. I flew into a rage. I said it was an insult to me to be asked to stand from Aurangabad merely because I would succeed by getting the Muslim votes there. I reminded them that I had always been opposed to separate electorates, and if my non-Muslim fellow citizens had no confidence in me, I would rather not go to Parliament, than go with the help of communal votes. I had agreed to stand from Bombay

because it was my city, and I hoped to get votes from all sections of the community. What had I to do with Aurangabad, which I did not know at all, and which I had hardly visited? It would be a travesty of democracy, as I understood it, to rely only on the votes of one's own community, and get into the legislature by such, what I consider to be, indefensible and improper methods. The result was that I did not stand for Parliament in the General Election, and my entry into political life was ordained to be further delayed.

One evening I was sitting at the Willingdon Club playing bridge as usual, when there was a telephone call from the Chief Minister's house to say that Chavan wanted to see me urgently. Everything that was of any importance seemed to be happening to me while I was at the Club. I went to see Chavan who informed me that he had received an urgent message from the Prime Minister. Nehru, I was told, wanted me to go to London as High Commissioner. I said that this was a great surprise to me, and that I was most reluctant to leave India. I had already been exiled for nearly two and a half years in the United States, and I did not want to go into exile again. I was not particularly attracted by the luxuries surrounding the High Commissioner's domestic and official life in London. Further, my wife's death had been a great blow to me. I had not yet got over my sense of bereavement and I could not contemplate living in London alone. Chavan readily sympathised with my position, but went on to remark that whatever the hardship, he personally, would look upon a request from the Prime Minister as something it was one's duty to comply with. If the Prime Minister thought that I could serve my country best in that way, there would be no option but to agree to the proposal. I had no answer to this line of argument, because it was in keeping with my own convictions. I, therefore, accepted the Prime Minister's offer. I asked Chavan as to when the Prime Minister would like me to go to London, and again came the inevitable answer, "As soon as possible." The High Commissionership had been vacant for some time, and the U.K. Government had become very restive at the Indian Government's not filling up this post and, therefore, I would be required to leave for the U.K. as soon as possible.

My appointment was fairly well received in England. *The Times* said: "Though his life has been spent in the law, Mr. Chagla comes to London with recent and indeed exciting experience of diplomatic life. In Washington he was to prove something of a refreshing sight to a public that took slowly and gingerly to such Indian ideas as non-alignment, yet found such political texts come from a man who was an admirable mixture of a first class bridge player, and in the same class, as a golfer. He did not confine his talents to Washington but travelled throughout the country, addressing audiences of all kinds and never mincing his words." I must point out that although I am not a bad bridge player, *The Times*, which is usually very accurate and exact in describing events and persons, was hopelessly wrong when it said that my golf was as good as my bridge. It was an insult to my talent as a bridge player because, as I have already stated, my golf was always a painful exhibition, not only to those who played with me but even to myself. *The Times* ended the article: "Liberal and civilised are the words that recur in all estimates, whether they come from close friends or acquaintances. In the difficult task of succeeding Mrs. Pandit, Mr. Chagla has all the qualities needed." Indeed, it was a difficult task to succeed Mrs. Pandit, because she had made an excellent High Commissioner, had contacts with all sections of life, was deservedly popular, and had enhanced the reputation of our country.

Going to England was unlike my going to the United States, because I knew England and English institutions well, having been three years at Oxford, and also having been called to the Bar there. I was particularly fond of London. I loved the parks and the little streets and by-lanes in and out of the West End. It was all very unlike the neatly planned streets and avenues of New York or Washington. I particularly looked forward to the theatre in London, of which I was passionately fond. The London theatre had an atmosphere unlike any other in the world. It may have fallen on evil days owing to financial stringency, but it still maintained, by and large, its great traditions.

There was a large Indian population in England. Many of these men had settled down in the country and quite a few had acquired British citizenship Most of the Indians came as workers

from the Punjab, and by their competence and hard work had won the admiration of their employers. There was a large colony of Indians in Southwall. I often went there, and spoke to the Mayor who was all praise for the Indian workers. Unfortunately, because of a divisive tendency, they broke into different groups and societies and even the Indian students had more than one organisation. My one thought while I was there was to bring about an arrangement whereby all the Indian students could meet in a common association and speak, whenever the occasion arose, with a single voice. I was also anxious there should be a general association which would be a meeting ground of all Indian citizens in London, if not in the whole country.

Again, unlike the United States, London had a strong and powerful Indian press corps, and they had their own organisation which held functions from time to time, and which I addressed when I was there, more than once. This association commanded great respect, and leading men from British public life appeared on its platform on several occasions.

Further, there still were legal and judicial ties between India and England which to me as a member of the Bar and a Judge were very appealing. London had a judicial and legal atmosphere in which I should be completely at home.

The main difference between London and Washington, at least to my mind, was that Washington was a purely official city. One had no other interests except in the Government, the diplomatic corps, and, for me, the Supreme Court. There was hardly any theatre, while high quality musical and artistic functions were few and far between. One had to go to New York to satisfy any aesthetic cravings. London was quite different. It was a combination of New York and Washington. It was not only the metropolis of the United Kingdom in the real sense of the term, but it had still retained some of the glory and the prestige which it had enjoyed before the liquidation of the British Empire, when it was considered to be perhaps the most important capital in the world.

Because of the imperial connection, when there was an India Office and a Secretary of State for India, the Indian High Com-

mission still maintained the largest staff of any of our embassies anywhere else in the world, and had various departments dealing with the purchase of goods and commodities in the U.K. It was also the centre and pivot of the trade and commerce between our two countries which, instead of dwindling after independence, as was feared, had grown apace; and there were more Englishmen living in India after independence than before.

I was a firm believer in Commonwealth on the ground that it afforded a meeting ground for countries with different races, cultures and communities, and enabled their representatives to exchange views on a variety of subjects, and to consult together. There was, undoubtedly, a common bond among these countries of the Commonwealth. To begin with, there was the bond provided by the English language. The Commonwealth Prime Ministers' Conference was the only international conference which carried on its proceedings without any interpreters. There was also a general acceptance of certain basic principles—the democratic way of life, the rule of law, and the value and dignity of the human personality. It was because South Africa would not conform to the last of these principles that she had to leave the Commonwealth. The Commonwealth also represented, to a certain extent, a closely knit economic association, with England giving special protection to the commodities which she imported from the Commonwealth countries. There was also a continuous exchange of ideas. Moreover, various other schemes were actually in operation in the cultural, educational and professional spheres. I always took the view that if people sat around a table and discussed and debated important issues more frequently, there would be a greater possibility of our being able to reduce international tensions.

But I had realised that already there were serious threats to the usefulness, if not the very existence, of the Commonwealth. The Immigration Act was a serious threat to the basic conception of a Commonwealth of Nations of different races and colour. It restricted the right of Commonwealth citizens to move freely in any part of the Commonwealth. It imposed, however indirectly, a colour bar which was wholly opposed to human dignity and human equality. Another source of conflict could arise from

British membership of the European Common Market which Britain was trying hard to acquire at the time. One could understand the economic necessity which drove England to seek admission to the Market. But if this admission was to be at the cost of Commonwealth economic interests, then it seemed that England must pause and consider whether she should choose the Common Market or the Commonwealth.

About the Immigration Act, I saw Butler, the Home Secretary, several times and pointed out to him the objectionable elements in the new law. With regard to the possible British entry into the Common Market, we had weekly meetings with Edward Heath, (the present Prime Minister) who was then in charge of the negotiations with the European community, and who used to come and report the progress the negotiations had made. I was amazed at the tremendous memory that Heath seemed to possess. He would speak to us for about 30 to 40 minutes without any notes whatever, discuss complicated matters connected with trade and commerce, finance, export and import, and reel off facts and figures without any assistance from his staff, or without looking once into any of his files. I could see that Heath was a dedicated man who passionately believed that the future of the U.K. was tied up with the European community. After Heath had made his initial statement, all the Commonwealth representatives gathered there would put questions to him, seek to elicit information, and point out any objectionable features in the arrangements to which he might have agreed.

Three important events took place while I was in the U.K. The first was the Chinese aggression against India, the second, the Commonwealth Prime Ministers' Conference, and the third, President Radhakrishnan's visit.

With regard to the Chinese aggression, as is well-known, the U.K. gave us full and adequate assistance. England realised that we were the only bastion of democracy which stood between Chinese Communism and her aggressive imperialistic designs, and the whole of South-East Asia. England's own political, commercial, and financial interests all pointed in the same direction, and

that was that England should do everything possible to save India from military collapse in the face of a Chinese attack.

I remember I received an urgent message from India for immediate arms aid from U.K., and I was asked to point out to British authorities how the situation was and the need for utmost urgency in sending the necessary supplies. I immediately asked my Secretary to ring up Duncan Sandys, who was the Commonwealth Secretary, and ask for an appointment. It happened to be a Friday and I was informed that the Secretary did not receive visitors on Fridays, and that I should wait till Monday. I made it abundantly clear that I was fully conscious of the sanctity of the British week-end, but if the matter had not been most urgent I would not have troubled the Secretary on Friday. Sandys gave me an appointment, and I went to see him and told him about the crisis. He promptly replied that his country would do everything that was possible. With regard to certain urgent supplies that were required, he would place two R.A.F. planes at my disposal, and I could ask my Military Attache to get in touch with his department to decide what supplies should immediately be flown to India. Throughout the period of Sino-Indian hostilities, both the Prime Minister, Macmillan, and Sandys evinced the greatest anxiety about the way things were shaping and unhesitatingly gave us whatever we needed to the extent possible.

Sandys and I came to know each other very well. He was a tough man who did not believe in indulging in any of the niceties or graces of diplomacy. He was frank and outspoken, and with him one knew where one stood. There was nothing equivocal or evasive about his talk, and if he gave a promise, he scrupulously kept it. When I went to see him to wish him good-bye on my retirement, he was extremely kind, and told me that he did not understand why my Government would not permit me to continue to stay in England for a longer period. I explained to him that it was not my Government's desire that I should leave, but my own personal domestic reasons that compelled me to shorten my stay, however much I regretted it. As I was leaving, he jokingly remarked: "Mr. High Commissioner, how long will we have to wait this time before your Government nominates your successor?" This was a

barbed reference to the long delay that had occurred in appointing me as successor to Mrs. Pandit.

I set up an Indian Defence Fund Committee, representing different sections of Indians living in England, and appointed A. S. Dalal of Air-India International as its Chairman. The response to the appeal of this Committee was spontaneous and generous. Money came pouring in and everyone subscribed, whether the amount was small or large. The subscriptions were not confined to Indians, but British companies which had dealings with India, and also British citizens who had any association with our country and all who realised the justness of our cause, came forward with monetary help. I addressed various public meetings and appealed to the patriotism of our people to stand by their country in her hour of need.

The only unpleasant incident which marred the almost complete unanimity, both in the British press and among the public, in supporting India and condemning the Chinese action, was a letter that Pakistan's High Commissioner, Lt. General Mohammad Yusuf, wrote to *The Times*. He objected to the U.K. and U.S.A. giving arms aid to India because, according to him, this constituted a military threat to his own country. I sent a reply to this letter explaining that it was unusual and also a little unseemly for two members of the diplomatic corps to carry on a controversy in public, but I could not allow certain statements made by the Pakistan High Commissioner to go uncontradicted and unchallenged. I ridiculed the suggestion that India had aggressive designs on Pakistan, and pointed out that the boot was on the other foot. It was Pakistan that had refused to sign a no-war pact which our Prime Minister had repeatedly offered; it was Pakistan which was carrying on a poisonous anti-India propaganda; and it was Pakistan that was indulging in sabre-rattling all the time. I also pointed out that it was an extraordinary phenomenon that Pakistan, a member of the defence arrangements specially set up to fight international communism, should have strenuously objected to the United Kingdom and the United States coming to the rescue of India, when she was overwhelmed by an enemy whose aggressive designs constituted a threat, not only to India, but to the whole of the south-east region and, indeed, to freedom

and democracy. I said that one would have liked to believe that Pakistan was enthusiastically espousing the same cause as two of her closest allies were then defending.

As it is now a matter of history, the Sino-Indian war came to an end by a unilateral declaration of cease-fire by the Chinese. The news came to me in very strange circumstances. I was at a formal dinner and at that time there did not seem to be any sign of the hostilities coming to an end for a long period. While I was in the midst of dinner, an attendant came and told me that I was urgently wanted on the phone. I left my chair and went to receive the call. It was from the British Television Company. The speaker asked me whether I had heard the latest news. I told him that I had not heard or read anything which was out of the ordinary. He then mentioned the report about the unilateral declaration of cease-fire by the Chinese, which he said had just come through. I could not believe my ears, and I asked him whether the news was authentic. He said that it was absolutely authentic, and he wanted me to appear immediately on television and comment on the sudden new turn in the situation. I replied that I could not do so as, in the first place, I must have an official communication from my Government, and in the second place, I could not comment on what had happened without first knowing what the reactions of my own Government were. The next day, of course, the news was splashed in all the papers.

Nehru came to London for the Prime Ministers' Conference and stayed at the High Commissioner's residence. I attended the Conference with him, and met a large number of Prime Ministers who had come from different parts of the world. It was an interesting and unique gathering. It was difficult to believe that when there was so much tension, distrust and misunderstanding all over the world, Prime Ministers of different, independent countries, representing different races, cultures and ideologies, could sit around a table and discuss the world situation in a friendly atmosphere and in a common language. The usual understanding at these Conferences was not to raise, as far as possible, controversial issues unless they related to basic principles, and not to discuss problems about inter-state disputes, or those which were the sole concern of the particular countries con-

cerned. Despite this, Pakistan always made an attempt to raise the Kashmir issue. The British Immigration law, the policy of apartheid and the proposed British entry into the European Common Market figured in the discussions because they lay at the very basis of Commonwealth unity.

During this visit Nehru received from the Borough of St. Pancras the gift of a site in Tavistock Square for a memorial statue of Mahatma Gandhi. The presentation was made by the Mayor of St. Pancras and the statue was later erected and unveiled.

Nehru also visited Tilak House in London. This was the house in which Tilak had stayed when he was in London. When Nehru went there he discovered that he had also lived in the same house. The house has now been bought by the Tilak Memorial Trust and turned into a hostel for Indian students. Nehru used to live in that house during his visits to London as a student at Cambridge in 1912 and 1913. Tilak had lived there in 1918, and I had myself met him in that house when I went to England in 1919 for my studies.

Nehru was naturally in great demand, and during his short stay he had hardly any time for rest or relaxation. One night I took him to the theatre. It was a play by C. P. Snow and dealt with the discovery of the nuclear bomb. Nehru humorously remarked to me that I would not let him get away from politics.

I remember one day, when he came down from his room upstairs to join me in the afternoon tea in my room, I placed in his hands a book called *The Hindu Philosophy of Eroticism*. It was by Mulk Raj Anand. It was beautifully got up with pictures of various temples in India. Nehru looked through the pages and expressed his admiration for the book. I thought this was my opportunity to tell him some home truths. "Did you know, Panditji," I asked, "that this book has been banned in India?" He expressed his surprise, and asked me who had banned it. I said it was Morarji Desai, who as Finance Minister was responsible for the administering of the Sea Customs Act. I told him that millions of people visited temples in India and looked at the sculptures which were supposed to be highly erotic, and yet a reader in India was not permitted to look at these very sculptures

when presented in a book which contained, besides, a philosophic interpretation. I said that the book had a wide sale all over Europe and the United States, and the only country where Mulk Raj Anand could not sell this book was his own country. Nehru did not say anything, but promised that he would look into the matter. This is an illustration of how prudish Morarji could be.

Another example of this was the filming of the book *Seven Days to Rama*. It was the story of Gandhiji's assassination in a fictional form. I went and saw the film in London to satisfy myself and I admired greatly the scenic effects. Another thing that pleased me was the support the film gave to the philosophy of non-violence. There was a love story in the book; also the facts were not strictly accurate, as the writer had exercised the degree of licence usually conceded to a novelist, but no disrespect whatever was shown to Gandhiji. On the contrary, the book and the film although, I must emphasise, not historically accurate in details, described feelingly the incident of Gandhiji's assassination, and then went on to relate how the assassin, after he shot Gandhiji, fell at his feet and exclaimed, "What have I done? Please forgive me." Morarji banned this film from being shown in India. I wrote a long letter to Nehru, pointing out that such censorship defeated itself, since it always meant wider publicity for the book or the film censored. Apart from that, having seen the film myself, there was nothing in it at all to justify the ban. I was told afterwards that my letter was circulated to the Cabinet. Nehru supported me, but Morarji was adamant, and ultimately the Cabinet decided to uphold Morarji's view. When I met Morarji later, he told me that he was surprised that I should write a letter of recommendation about the film. He said that, in his opinion, it was very disrespectful to treat any incidents of Gandhiji's life except in the true historical manner. I argued with him and told him that novels had been written about Christ, and it was ridiculous to suggest that the novelist had no right to make Gandhiji a principal character in his book. But my arguments fell on deaf ears.

Apart from Nehru, I had three other distinguished visitors. One was Morarji, the other Rajaji and the third T. T. Krishna-

machari. Morarji also stayed with me, and I wanted to give a dinner or lunch in his honour but the inevitable question of drinks arose. I told Morarji that my guests would not enjoy the meal unless I served them drinks, and I would like to know his views. He replied that I knew his views very well, and that he did not mind Englishmen drinking at the meal, but he objected to Indians doing so. I said that as he was my guest I was bound to respect his wishes, but I would not agree to any discrimination being made between my Indian and English guests. I would, therefore, give a lunch and only serve soft drinks.

All the distinguished guests I had invited could not attend the lunch. I, therefore, arranged for three or four leading members of the Opposition who could not come to the lunch, to come to my house in the evening at 7 o'clock. I told Morarji that I had respected his wishes with regard to the lunch, but it was impossible for me to offer anything else except strong drinks to the persons whom I had called to my house at 7 o'clock. It would be ridiculous to offer them tea or coffee or a soft drink. Morarji made a wry face, but as the visitors were all Englishmen he did not object. I remember I had invited Harold Wilson, Gaitskell, Callinghan, Healey and Roy Jenkins, all leading members of the Labour Party and one of whom was later to be Prime Minister and the others to hold important portfolios in the Labour Government. After we sat down and I introduced Morarji to the guests of the evening, the waiter brought in the tray in which there were glasses of whisky, sherry and soft drinks. The tray came first to Gaitskell. He looked at me in surprise, having heard of Morarji's vehement opposition to strong drinks. Gaitskell and the others all had alcoholic drinks. The tray came to Morarji, who, of course, took a soft drink. Then the tray came to me. I picked up a glass of whisky. Morarji looked daggers at me for letting him down. But I took no notice. Morarji's philosophy obviously was that he did not care if the souls of English people were eternally damned, but he would not permit that to happen to the souls of his own fellow countrymen. My own damnation had by then become so certain and sure that a little more or less whisky would not have made much difference.

Rajaji was one of the most delightful guests I had ever enter-

tained. He came in a Gandhi Peace Foundation Delegation, consisting of himself, R. R. Diwakar and B. Shiva Rao. They were on their way to Washington, where they wanted to meet President Kennedy and press for the stoppage of nuclear tests. Rajaji was a man of brilliant and razor-sharp intellect, but also at the same time a man of almost childlike simplicity. As he was a strict vegetarian and ate south Indian food, I had arranged through a south Indian official of the High Commission that south Indian food should be sent to me everyday. Rajaji would come down to breakfast, and sit with me and eat his *idli* and *dossa*, but he would also watch me eat my western breakfast with keen interest. When I started with corn flakes, he would ask "What is it?"; so I would explain it to him. He would ask again, "Are you sure it is wholly vegetarian?" I would reply "Absolutely". "May I try it?" he once suggested. I said "Certainly," and then he tasted a little of this strange food. Then when I took marmalade with my toast and butter, he enquired what marmalade was made of I told him it was made out of orange peel. He then asked the same question as he did about corn flakes—"Is it wholly vegetarian?" I replied, "I take it that oranges are wholly a fruit." He laughed and proceeded to taste the marmalade.

It was the same combination of innocence and surprise with the other things that he happened to see in London. He had never been abroad before, but he had read widely, books in English literature, and with his wonderful memory he could remember the names of roads and places which he had come across in his reading; and he would ask me where a particular road or a particular place of literary interest was situated. Then he would tell me that he would like to visit these places and I would instruct the driver to take Rajaji to whatever place he named. His appraisal of the world situation and of domestic politics showed deep insight and an astonishing capacity for objective analysis.

T. T. Krishnamachari had come to England to explain the tremendous necessity of England giving more defence aid so as to make India strong and effective against any possible Chinese aggression. Both he and I, whenever we met, found ourselves in an embarrassing situation after my report on the L.I.C. inquiry; but I must say to his credit that he behaved with studied courtesy

and correctness. He went to see the Prime Minister and other Ministers and Secretaries, but insisted that I as the High Commissioner should accompany him so that I could know what he was discussing, and what the Government of India's policy was. T. T. K. had a terrible temper, together with a strong sense—and rightly—of his own dignity and status as representing the Government of India. I remember our going to see some Secretary, whose name I do not recall, and the Secretary being rather casual and almost offensive. T.T.K. flared up, and put him in his place. After this little encounter, he had an appointment with Prime Minister Macmillan. Before we started discussing the matters that were on the agenda, T.T.K. drew the attention of the Prime Minister to the Secretary's conduct and made a strong protest. Macmillan immediately apologised and said that he would take necessary action against the offending functionary.

The visit of President Radhakrishnan was indeed a memorable visit. In the first place, this was the first time that the head of a Commonwealth country, which was a Republic, had visited the United Kingdom. This was a different and a unique occasion, and the Queen was very particular that the protocol which England followed when the head of a foreign State visited England should not be adopted, because President Radhakrishnan was not the head of a foreign State. The visit, the Queen decided, should be considered more as a domestic visit, an internal affair, where the head of a Commonwealth country was coming to meet the Queen who was the symbolic head of the Commonwealth. We had, therefore, to draw up special plans about the President's visit, and I must say that the Queen herself took a personal interest in settling the details of the visit, because they would set the precedent for future visits of other heads of Commonwealth countries.

The Queen always received the head of the State at Victoria Station. This was all right when there were no planes and everybody arrived in London by train. But the President was coming by air and the Queen could not go to the London airport. Therefore, it was arranged that the President should land at Heathrow airport, the Princess Royal and myself should go by train to the airport, receive the President, and come back by train to Victoria

Station, where he would be formally received by the Queen and Prince Philip. The Princess and I accordingly went by train, received the President and returned to Victoria Station. At the station, the Queen and the Prince were waiting to receive the President. All the high dignitaries were arrayed behind the Queen and the Prince in formal dress and with all their decorations. To the right of the platform about 200 Indians had gathered to see their President arrive. A large number of Indians were anxious to see the ceremony surrounding the President's reception, but with great difficulty I could manage to issue passes to only about 200. The President got down from the train, and shook hands with the Queen and the Prince. The Queen then introduced him to the various dignitaries. After that, protocol required that the Queen and the President should walk up to the gate, followed by Prince Philip and myself, and we should all drive to Buckingham Palace. The Queen stood by the President ready to advance towards the car. To everybody's surprise, the President abruptly left the Queen to greet the assemblage of Indians gathered there and did *namaste* to the resounding cheers of his fellow citizens. Everybody was embarrassed; they did not know what to do. But the President, completely unperturbed, and perhaps unaware of the flutter he had caused, walked back to the Queen's side and proceeded to the car. I was told afterwards by some of the Englishmen who were present that although the President had committed a breach of protocol, they had never been so much moved as by the simplicity and naturalness with which he took note of his fellow countrymen, even at the risk of offending the Queen.

The heads of foreign States were always put up at Buckingham Palace for the duration of the State visit, and if they wanted to continue to stay in England, they left Buckingham Palace and made their own residential arrangements. And what they did had nothing to do with the programme arranged for them by the Government. In the case of President Radhakrishnan, the Queen wanted to make a departure. She wanted him to stay for a day at Windsor Castle and be with her and her family. And so the President and I went to Windsor Castle, and the Queen and the Prince received us. The Queen was dressed in a summer dress

as we were going to the races at Ascot after lunch. The President, after greeting the Queen, said "Hullo, I see you are dressed for the races" and patted the children on the head. This is something that had never happened, and the Queen was not accustomed to be addressed as a human being, nor to expect her illustrious guest to behave as a human being. But the unexpected has sometimes its own charm, and everything went smoothly. At lunch there were only the Queen and the Prince, Princess Margaret and her husband, Lord Snowdon, and, I think, Lord Mountbatten. I sat next to Prince Philip and it did not take me long to discover that he was determined that he should be no mere figure-head. I found him to be a man of great ability and perception but unfortunately the rôle assigned to him did not allow much scope for these qualities. After lunch we were going to Ascot to see the races. Queen Elizabeth was intensely interested in horse flesh and in racing, and she had her own horses running at Ascot. Before we went there, the President asked me to tell him something about horses and horse racing. He confessed that he had never been to the races in his life, and did not know what exactly he was expected to do. Was he, for example, expected to bet on the horses? I smiled at his naïveté, and told him that he need do nothing except sit by the side of the Queen, and make pleasant conversation. The Queen may do her own betting, but he was not obliged to follow suit. If he wanted to have a little fling, however, he could ask one of the attendants there to place a bet for him. He was horrified at the suggestion, and said he had never gambled in his life and did not want to start at this late stage. Prince Philip hated races, so he went off to play polo, and we proceeded to Ascot. After the races were over, we went to the place where the Prince was playing polo, and after he had finished his game, we all went back to Windsor Castle. The Prince took us round to see the library, and proudly pointed out that all the books written by his distinguished guest had a place there. I am not sure if the books were there in the library before they knew about the President's visit! In any case, this naturally gave great pleasure to the President, and that was all that mattered.

We also stayed for a day at the beautiful country house of the

Duke of Devonshire. The Duke was a young man, holding at that time the post of Minister of State for Commonwealth Relations. He was descended from a very distinguished and aristocratic family, and part of his house was built by one of his ancestors to welcome Czar Nicholas II when he visited Europe in 1899, a visit undertaken, as it was said at the time, to consider ways and means of bringing about disarmament. He wanted the Czar to visit England, and he himself was anxious to play host to the royal visitor. However, the Czar did not come, but a part of the house stands as a monument to the Duke's belief in peace. The house contained a priceless art collection. It was a huge place, and I remember when I was shown to my room, I had to pass several corridors, and when I was left alone I wondered how, if ever, I would get out of that room and find my way back.

The Duke told me how, when his father died, the most serious problem he had to face was paying the estate duty. The revenue authorities had made an offer to him. He could either hand over his art collection and keep his other properties, or alternatively he could keep the art collection at the risk of losing all his properties. He had no hesitation in rejecting the first alternative. Even while we were there, part of the house was closed to admit visitors, who could go round on payment of an entrance fee. This was the state to which a once proud aristocracy had been reduced. Almost all these noblemen who have to maintain their stately homes which contain precious historical relics and objects of art, throw open a part of the house to tourists and visitors on payment of a fee. It is by such means that they manage to support themselves. When there is a hue and cry at present about the impending ceiling on urban property, I am reminded of the fact that most of the stately homes of England no longer remain. And where they exist, their occupants live in conditions which, according to English standards, would be described as near poverty. The Duke made a charming host. The Duchess was a very attractive woman and a most gracious hostess. Her sister is the well-known novelist, Nancy Mitford. Here, in these rural surroundings, as everywhere else, the President had no difficulty in being perfectly at home.

I accompanied the President to the Commonwealth Exhibition

which was inaugurated by the Queen. Each Commonwealth country had exhibited various models indicating the progress made in various fields. I was walking with Prince Philip behind the Queen and the President. Tatas had put up a very fine model of their steel mill at Jamshedpur. Prince Philip and I paused there. Looking at the model, the Prince remarked that the private sector appeared to be doing well, though the Government swore by the public sector. What, he mischievously asked, was the explanation? My diplomatic answer was that we believed in a mixed economy; and in that economy both the public and private sectors flourished.

But an extraordinary thing happened on the journey back. As we got into the car and started driving homewards, the President suddenly turned to me and said that he would like to go and see his publishers. His publishers were Allen & Unwin. I was not quite prepared for this. I remonstrated: "Mr. President, this is not on the schedule. If you want to see your publishers, we can make proper arrangements and tell them we are coming." The President would have none of it. "Nonsense. Tell the driver to drive to wherever Allen & Unwin are, and I should like to see Allen whom I know very well." There was nothing more to be said. Not only had the car to be diverted, but the out-riders had to be informed to take a different route. The caravan at last drew up at the office of Allen & Unwin. The President got out. I think we had to go to the first floor. We went to Allen's room and I knocked. Allen came out, and almost fainted at seeing the President of India standing outside his door right in front of him. He said: "Mr. President, why didn't you inform me? I would have made proper arrangements." The President replied: "Never mind the arrangements. I have come to find out how my books are selling." This truly demonstrated how completely oblivious the President was of his own high position, how simple and human he could be in his relations with everyone, and how strongly he felt that his own dignity was in no way diminished by his lack of formality.

The function at which the President excelled himself was the lunch at the Guildhall, which the Mayor of London traditionally gives to visiting heads of State. He spoke *ex tempore* and it was a

brilliant performance, in its eloquence, its oratory and in its content. After the lunch was over, several persons attending it told me that they had never heard a speech like this from any head of State before. In the first place, they were surprised that the speech was *ex tempore*. This meant that the speech was his own and not written or prompted by the Government. It was well-known that all the previous heads of State who had visited the Guildhall had read written speeches, which represented the views of their governments and not their own. This break with precedent surprised and pleased his audience because of the feeling that they were listening to the views and opinions of the person who was addressing them, and not to a mere dummy and a facade used to propagate the policies of his Government.

The President and I paid an enjoyable visit to Oxford. We went by train in a luxurious saloon, and the venue of the function was so arranged that the President could visit his old and very famous College, All Souls, of which he was a fellow, and where he had lectured on Indian philosophy. The arrangement was that the President should spend the night in his railway carriage; but the President insisted that he would like to spend the night in the room in the College where he used to live, as he would feel much more happy in that environment than amidst the luxuries of his railway compartment. John Sparrow was the warden of All Souls, and he received the President with the greatest cordiality. We had a reception where we met all the professors, and the President chatted with them, not merely as head of a great State but as an intellectual in a company of kindred souls. He took me to show his room, and remarked that he was so much happier in this room and moving about in an academic atmosphere, than as President in Rashtrapati Bhavan with all its glamour and prestige.

During the President's visit, I gave a dinner to the Queen and Prince Philip. They willingly agreed, but on the one condition that it should be an absolutely private dinner. The result was a very small party which was attended by the Queen and the Prince, the President and myself and, as far as I remember, also Lord Mountbatten. I did not realise how onerous a task it was to entertain royalty. There were long conferences as to how the Queen was to be received, what she would eat, what she drank before dinner,

at dinner and after dinner. Every detail was meticulously worked out. The dinner was thoroughly enjoyable, and both the President and the Queen chatted pleasantly and informally, not about thorny questions of State and public policy, but about trivialities which, when properly handled, can become equally engrossing.

The President's visit was a complete and unqualified success. By his simplicity and humanity he won the hearts of the large number of people he met, and with his eloquence and philosophical attainments he impressed every audience to whom he spoke, and greatly enhanced the dignity and prestige of his country.

About my own work in London, the first and the most important task was to streamline the administration, which was in a shocking state of disarray. The staff had been recruited haphazardly without any reference to efficiency or necessity. I had, therefore, to undertake the thankless and invidious job of cutting down the staff. I think, before I left, the staff had been reduced by 200 to 250, and the result was better efficiency, speed, orderliness. I am a great believer in Parkinson's law, and I know it is true both in theory and in practice. There was the other problem of the many different offices in which the work of India House was spread, and which made central control and supervision very difficult. I tried what I could by getting the heads of these various offices to come to India House for conference and consultation periodically. I also felt that many of the functions of the High Commission had ceased to have meaning as the High Commission no longer played the rôle that it did in its imperial past, and those functions ought, therefore, to be done away with.

There were other administrative difficulties. The staff consisted of what was known as India-based and London-based officials. There was no problem with regard to India-based officers as they fitted into the pattern of officers working in different embassies, but the question relating to London-based officers was unique. They had been recruited in England before independence, with conditions of service which had been settled at the time of their recruitment, and the problem was how to equate the conditions of service of these two sections so as to prevent a sense of discontent and discrimination.

I made it a point to visit all centres in England where there was a sizeable Indian population or a concentration of students, so that I could understand their problems and difficulties, at first hand. Apart from the outlying districts of London itself, I visited Birmingham, Manchester and Glasgow. I particularly remember my visit to Manchester, where I was the guest of the Lord Mayor. I met there 130 Indian trainees who were working in the Associated Electrical Industries' factory. I spoke to them, among other things, about conditions in England and India and the handicaps we were working under. I reminded them that in England the industrial revolution preceded the political revolution, but in our country the political revolution preceded the industrial revolution, and the results and the contrasts had been very marked. In England they could in the early years utilise and exploit their resources, human and physical, without the hampering restrictions of law or humanity. We had to proceed with our industrial revolution in a democratic setting, and avoid, as far as possible, the suffering caused to the workers in an earlier age. I told them that they should learn from the British a sense of discipline, a sense of humour, and a sense of the innate dignity of labour.

I opened two Tea Centres in Edinburgh and Dublin. We already had one in London. The object was to promote tea drinking, so that our exports of tea from India should increase and earn valuable foreign exchange. In all conscience, Englishmen did not stand in need of any special inducement to drink tea. They were inveterate tea drinkers; tea drinking is a national institution. But the Scots were different, and they perhaps needed a little prodding. The Irish also drink gallons of tea; when they are not drinking whisky, they are drinking tea. But these places were also intended as a sort of restaurant where people could go and have an Indian lunch, taste Indian dishes and drink a cup of invigorating tea. These restaurants became quite popular, and people liked to get away from the dull and drab Western cuisine to the spicy, exciting dishes, which people habitually eat in India.

I remember with pleasure my visit to the Oxford and Cambridge Unions where I spoke as a guest on the night when debates are held in the union. When I spoke at the Oxford Union, it was almost like home coming, and speaking in surroundings which were very

familiar to me. My thoughts went back to almost 40 years, when, as an undergraduate, I had spoken in that hall. The Cambridge Union was new to me, but there is not much difference in substance between the way a debate is conducted at the Oxford and the Cambridge Unions.

I naturally came into close contact with the legal luminaries in London. I came to know particularly well Lord Spens, a former Chief Justice of India, Lord Evershed, Lord Denning and Lord Devlin. Lord Evershed and Lord Denning were particularly interested in contacts being made and maintained between the Indian and the English Bars, and they were anxious that Indian students should continue to come to England to qualify at the English Bar. I wholly agreed with them. It was my belief that so long as our administration of justice was based on the British system, we should not completely cut ourselves off from the very fountainhead of our own legal and judicial traditions. I also had no doubt that it would help us to maintain these traditions if at least some young Indians were called to the English Bar, and came back and practised in their own High Courts. To this end, I suggested to Lord Evershed and Lord Denning that the Inns of Courts should draw up a scheme for giving scholarships to Indian law students. The suggestion was very sympathetically received by these two eminent judges, but I do not know whether any practical results ensued.

I was also responsible for seeing that Indian students reading for the English Bar got the necessary foreign exchange. When I was Education Minister, proposals were put before me about the grant of foreign exchange to Indian students who went abroad for their studies. Foreign exchange was granted to students going to Oxford or Cambridge, but if these students wanted to read for the Bar, the proposal was that they should not get any foreign exchange, but should confine their study to these two Universities. I strongly protested, and pointed out that several Indian undergraduates from Oxford and Cambridge used to go to London to eat their dinners—to use the technical expression for keeping the term—and I cited as an example no less a person than Nehru who, when he was at Cambridge, also read for the English Bar. With this formidable precedent in my favour, the Finance

Ministry had to yield, and Indian students got foreign exchange, both for their expenses at Oxford and Cambridge, and also for their Bar examinations.

I inaugurated a very interesting Conference on "Laws in India today", presided over by Lord Evershed. The delegates to the Conference were housed in a lovely building near Windsor Castle with the most beautiful surroundings one can think of. The participants were both English and Indian, and we had a very enlightening discussion on the differences between the Indian law and the English law, and also their fundamental similarities.

I was invited to the Grand Nights of all the four Inns of Court —Gray's Inn, Lincoln's Inn, Middle Temple and Inner Temple— and I noted with interest the different customs followed by these Inns. These customs had originated centuries ago, and are maintained in their pristine glory. The Englishman is a great lover of tradition. He would not depart from it, unless he is satisfied that it is harmful and prejudicial to social good. The mere fact that it is out-dated or has ceased to serve any useful purpose does not carry any conviction with him. In the Inner Temple, which was my own Temple, the Benchers do not stand up when drinking the toast to the King or Queen. It appears that King Charles II, who was a Bencher of the Temple, came in to dinner one night when one of the Benchers could not get up to drink a toast to him, because he was too drunk to do so. Charles II, seeing his condition, told him to drink to him sitting, and since then this tradition has been maintained, and the relaxation permitted by King Charles II continues.

The Benchers, although most of them are pretty old, are fairly sturdy and love the good things of life. After the dinner in the hall, the Benchers and their guests retire to the Benchers' special room, where they have brandy, coffee and cigars, and eat fruits, nuts and other delicacies. At one of the Inns, where I had retired with the Benchers to the sanctum, and sat down for my coffee and brandy, I took out my cigarette case to light a cigarette. The Bencher next to me stopped me, and said: "You cannot do this till permission is given by the senior treasurer who is the senior-most Bencher." I wondered how long I would have to wait till the

permission was granted, but this, again, was play acting merely to conform to tradition. Soon the juniormost Bencher got up and said: "Mr. Senior Treasurer, have we your permission to smoke?" The reply was, "After half an hour". My heart sank, because I had not smoked a cigarette for some considerable time, as one is not permitted to smoke in the hall. But my worries were to end immediately, because the Senior Treasurer called upon the Junior Treasurer and told him that the allotted time had passed, and we could all smoke, although, in fact, hardly two minutes had passed after the request was made.

This system of Benchers dining together, is an excellent one, and in some form or other we should adopt it. The Benchers consist of judges, representatives of senior counsel and junior counsel. They meet in a completely friendly and informal atmosphere and address each other by their Christian names. A junior counsel may have appeared before a judge in the morning, and shown him the greatest respect and observed every court formality; and the same man might meet the judge, if he happens to be a Bencher of the same Inn, at night, both behaving as ordinary people, and forgetting that a few hours before there was a big distance between them, the distance that always lies between the Bench and the Bar. In India today there is a sort of iron curtain between the Bench and the Bar. The judges are completely isolated, and the members of the Bar mix only among themselves. I think it would add to the good relations and harmony between the Bench and the Bar if from time to time there are social occasions when they can come together in an informal way.

Two or three social functions which I attended when I was there I recall with great delight. The first was the Edinburgh Festival. This is a festival held every year when the whole city gives itself up to a display of arts, music, drama and also athletic contests. There are also exhibitions. Edinburgh is an enchanting city with a wonderful atmosphere, and its Princess Street is considered to be one of the most beautiful in the world. The festival that year came to be known as the "Indian Week" because Indian artistes played a big rôle in making the festival a success. There was the concert given by three of our famous musicians; Ravi

Shankar who played the *sitar*, Alla Rakha who played the *tabla*, and Ali Akbar who played the *sarod*. The hall was packed, and the large majority of people were, of course, English. There is considerable difference between Western and Indian music even in its essentials, and I thought that a British audience would not be able to appreciate our *ragas* and *ragnis*, but I was mistaken. The performance was received with a great ovation, and there were several encores.

I must mention the cavalry display given by our people. The setting for this was truly magnificent. Stands were placed all round the Castle. The ground was lit up, and against the background of the Castle which set off the surroundings, various displays were arranged, and one of the most spectacular was the one provided by our cavalry. I had the privilege of taking the salute. These cavalrymen had come from India, and had hardly a week's time to practise on English horses to which they were not accustomed, but they put up a most brilliant show. The large attendance was thrilled and the men received repeated cheers.

I was fortunate enough to visit Stratford-on-Avon, when it was celebrating the 309th birthday of Shakespeare. People came from all parts of the world to pay their homage to the master dramatist. There could be little doubt about the universality of the poet's appeal.

The Mayor of Colchester every year invites all the Ambassadors in London and other dignitaries to a special lunch. The dinner consists of only oysters and the well-known white wine, Chablis. Vegetarians, I am afraid, are out of place at this function. Tradition has it that the Romans first discovered oysters at Colchester when England was under Roman rule. Since then the oyster has become a delicacy in all parts of the world, and I myself think that it is one of the most delectable sea-foods one can eat. Thousands of oyster-shells are opened that day and one can eat oysters to one's heart's content.

The Colonel of the Duke of Edinburgh's royal regiment once came to see me. The drummers of his regiment had Indian tiger skins, but these were now worn out. Could I arrange for new skins to be brought from India and have them presented to the

regiment? The Colonel explained that the regiment was very proud of its tiger skins, and this was a strong bond between this regiment and my country. I immediately acceded to his request, wrote to India and got the necessary tiger skins. I had then to present them, but I did not realise what I had let myself in for. I had to go to Southampton in December on what proved to be a bitterly cold day. I found the regiment lined up on the foredeck of the troop-ship "Oxfordshire" as the regiment was shortly to embark for Malta. I had put on all the warm clothing that I possessed, and on top of it all, I had a heavy overcoat. Still I felt completely frozen, and was so numb I could hardly move a limb. The Colonel saw my predicament, and very kindly took me down to the ship's bar and gave me a stiff brandy so that I could get some warmth into my system. I asked him whether I should take off my overcoat because the ceremony was a formal one. He laughed and said, "Certainly not. We do not want our distinguished guest to suffer from pneumonia." I went up to the deck and made the presentation on behalf of the Prime Minister. I had to make a short speech, and I did this with the greatest difficulty in view of the terrible cold on the open deck of a ship. I have never experienced such penetrating cold as I did on that day. I would never have consented to perform this function but for the fact that it was the Prime Minister who was presenting these tiger skins, and as his representative I had to undergo the terrible ordeal as cheerfully as I could.

I met many interesting people while I was in the United Kingdom. Two of my best friends were John Grigg and his wife, Patsy. Grigg was Lord Altrincham by inheritance, but he was against the hereditary principle, and refused to take his seat in the House of Lords. He was one of the reluctant peers. He was a man of high principles from which he never deviated, and was a great friend of India. In those days he wrote regularly for *The Guardian*. I may mention one instance to show how strong his principles were. One day he came to see me at India House, and told me that Pakistan had invited a delegation of journalists from U.K., and he had been asked to go on behalf of the weekly *Spectator*. After a few days he came again, and said that he had refused to join the delegation because the members had to fly

by Pakistan International, and accept the hospitality of Pakistan as far as travelling was concerned. He said he could not, in fairness, do so because he had consistently attacked Pakistan's policies and its anti-Indian stand. He introduced me to Iris Murdoch and her husband, John Bayley. Iris Murdoch was and is one of the leading novelists in England. She had studied at Cambridge. She had been an avowed communist. Later she shed her communism, and devoted herself wholly to literature, though, I think, for some time she acted as lecturer in Philosophy at Cambridge. She was as witty as she was learned. She told me that she wanted to visit the United States on a lecture tour, but the United States would not give her a visa because of her communist past. John Bayley was Professor of English at Oxford and an eminent literary critic. He was a most charming and lovable man. He looked and behaved as an undergraduate, full of spirit and the fun of life. When I was Minister of Education I was happy to invite both husband and wife to lecture in India. At the end of a very successful tour, Iris Murdoch wrote to me a very nice letter, telling me how much she was impressed by all that she had seen in India, and how different the country really was from what she had imagined and read. She said that India stood for certain values which were necessary in view of the growing materialism of the world.

The other great literary figure I came to know was C. P. Snow, whose novels about university life and the goings-on in the corridors of power had always interested me. I also met the famous poet, T. S. Eliot, who with his wife came to lunch with me. He presented me with a record of his recitation of his famous "Four Quartets". I tried to persuade him to visit India, but he told me that his travelling days were over, and he was living more or less in semi-retirement. He was a famous man, but any lecture tour by him would have been an affair wholly for the elite.

I had the pleasure of meeting Sir Archibald and Lady Nye. Sir Archibald had been the Deputy Chief of Staff under Churchill during the war. He had also been the Governor of Madras. He was delightful company, because he was full of anecdotes about Churchill. I spent a week-end with the couple in their lovely

little house. I also knew very well Kingsley Martin and his wife Dorothy Goodman. Martin's conversation was always stimulating, and as a confirmed socialist he applied the socialist test to world events, and judged policies by the effect they had on the fortunes of socialism. He edited *The New Statesman* with surpassing brilliance for many years, and made that weekly one of the most influential, not only in his own country but abroad.

I also came to know David Astor, editor of *The Observer*. *The Observer* had a wide circulation and had the highest standing among the Sunday papers. On the whole, its policy was pro-Indian, but it had one blind spot, Nagaland. Astor threw open the columns of his paper to Phizo and his supporters to carry on a virulent propaganda against India, and gave publicity to imaginary stories about the atrocities perpetrated by the Indian army in Nagaland. Astor came to see me often at India House, and I did my best to convince him that we were prepared to give to Nagaland the same autonomy as the other States enjoyed, but this must be in the wider context of Indian unity. We could not countenance an independent Nagaland, because it would be highly prejudicial, not only to India's security but to the whole of the federal structure which we had built up. But my arguments were of no avail. It was like talking to a dead wall.

I was not only High Commissioner to the United Kingdom but also Ambassador to Ireland (Eire). I visited that country twice or thrice during my tenure.

The Irish are a gifted, intelligent, excitable people. They are also a homely and informal people in their manners. They prefer to go their own way. They think and act much as they like, without caring an iota what others think of their behaviour or their opinions. They accept or reject human beings for what they are, unmindful of their social or financial standing. They are much addicted to argument, love polemics and like to sit in a restaurant, not indulging in small talk, but discussing ardently the latest book or play or trends in art. Although I was Ambassador, they wanted to know all about my country, not as officially portrayed, but as it really was, and my own personal opinion about various matters.

I went to present my credentials to President De Valera, about whom I had read so much, and for whom I had the greatest admiration for the gallant fight he and his men had put up against British rule in Ireland. He was totally blind, but came to receive me at the door. If you had not been told that he was blind, you would not discover it from his demeanour or his movements. He led me rather slowly to his private chamber, and we had a long talk together. At that time the thought uppermost in his mind related to the language question. He wanted to discard English and introduce Irish as the national language. On this question, very few in the country took him seriously. I saw no danger to the English language although, out of respect for him, many people had put up sign boards not in the English language but in Gaelic. He asked me about the language problem in India and I told him how things were and about my firm conviction that it would be necessary to continue English as the link language at least for some years till Hindi can be substituted. He differed emphatically and said that English would remind us of the bad old imperial days, as it was the badge of our subjection to British rule. I reminded him that English was not the language of England only but also of the United States, and was fast becoming the universal language. He was unmoved by these arguments, and stuck to his point. I invited him to visit our country, and reminded him that he had never come there. I told him that he would have a great reception because he had millions of admirers in my country. He smiled wrily and answered that with his blindness, travelling abroad had become difficult, if not impossible. But he said that he had a glimpse of India in the days when he once passed through Calcutta.

Our *Charge-d'-affairs* in Dublin was Ranbir Singh, son of Maharaj Singh, who had been my colleague at the United Nations and also Governor of Bombay. Ranbir Singh was one of the most extraordinary personalities I have ever come across. The Irish people had taken him to their heart, because he was as unconventional and spirited as they were. But in the diplomatic profession one has to suppress the unconventional and the erratic in oneself. A certain conformity with accepted norms is essential. He used to talk freely and without any restraint to journalists

and others, expressing his own emphatic views which were often opposed to the official policy of the Government. He never realised that he was in Ireland as a spokesman of the official policy, and not to ventilate his own private views. He had a tremendous memory and extensive knowledge of history. He could recount facts and figures concerning events that had taken place hundreds of years ago. I remember a car journey which I and my younger son made with him. The journey took about three hours and Ranbir Singh carried on what practically amounted to a monologue on mysticism in the near East in the 14th and 15th centuries. I put up with all this for about an hour and a half and then dozed off My son, however, had to endure this entertaining and informative thesis for the whole length of time. I am sure that after this, my knowledge of the philosophy of mysticism had considerably increased, but that knowledge unfortunately had no relevance to the duties I had to discharge as Ambassador to Ireland. As was to be expected, he left the foreign service, and is now happily married to an English woman, and is more or less settled in England.

I went to see the Prime Minister, Mr. Lemass, and during our talk he told me that Ireland imported a large quantity of tea from India, but India hardly imported anything from Ireland. I laughingly replied that we did not know what we could import from Ireland except Irish whisky. But I went on to say: "Mr. Prime Minister, why are you worried about your exports? You export human beings, and Irishmen in different parts of the world have achieved great eminence, and that should satisfy you more than a petty thing like the export of commodities. You have given to the world Irish wit and humour, and the greatest example of this is Bernard Shaw."

When I was in Ireland our relations with that country were rather strained because in the Security Council Ireland had sided with Pakistan on the Kashmir question. I tried to remove the misunderstandings that existed between our two countries. I said we should forget the past, and maintain cordial relations and I explained at the many interviews and meetings that I had in Ireland the true aspect of the Kashmir problem.

Among the people I met there were Lord and Lady Dunsany, who invited me to their beautiful castle home. Lord Dunsany had served in the British army in India, and his father was a famous playwright and poet, and I remember having seen one of his plays, "If", when I was a student in England.

The other famous person I met was the Irish dramatist, Brendan Behan. We dined together at a restaurant in Dublin, when he audibly gave full vent to his ferociously anti-British sentiments. He also started singing songs of the Irish revolutionary days, and he talked and behaved as if the war between England and Ireland was still going on. Indeed he said that the partition of Ireland had been brought about by the machinations of the British, and as long as that partition remained the war between the two countries could not and would not come to an end. I was very embarrassed, because there were lots of people dining at the restaurant, who could not but hear what Brendan was saying. But the people knew him well, and treated his outbursts more as an expression of literary and artistic exuberance than as an exposition of political realities.

Two or three months before I left London, I wrote to Nehru: "When you asked me to go to London I had suffered a grievous personal loss, and I wanted to be with my family, but in order to respect your wishes I agreed, much against my personal inclination. You, however, gave me an assurance that the duration of my stay here will be one year minimum, and two years maximum. Every civilised country remits part of a sentence for good conduct, and I hope I have not been unduly vain in assuming that I have earned some remission. I have already been here for fourteen months, and I propose to return home in October or November. I do not think I can possibly stay longer. Frankly, I feel frustrated here, and this guilded and artificial existence does not suit me."

Nehru replied: "I can quite understand your being a little tired of staying outside the country, and your desire to come back. If you are anxious to come back, we can hardly put difficulties in your way. As you know, the post of the High Commissioner in London is a very important one, and it is not easy

for us to find somebody who might be considered suitable for it. Your presence there has made us feel assured that the right person is holding the post at a time of such difficulties. The suggestion that you should come away soon faces us with the problem of finding somebody else. This is not an easy matter. However, as you have said, if you wish to come away, we shall sincerely abide by your wishes."

When I arrived in Bombay, Nehru wrote to me a very kind and generous letter:

> "Now that you have come back to India, I should like to tell you how your work, first as our Ambassador in Washington from April 1958 to June 1961 and then as our High Commissioner in London from April 1962 to September 1963, has been appreciated by all of us. You have contributed your best towards the promotion of our relations with the U.S.A. and U.K. and a better understanding of our foreign policy in these countries. The wanton aggression by the Chinese against India and the imperative need to develop our political, economic and military strength to meet it, imposed a great burden on us in which your assistance as our representative in Britain was extremely valuable. Your task in the important capitals of Washington and London was a heavy and exacting one, demanding considerable tact and skill. It was not made lighter by the machinations of Pakistan and others. The fact that our relations with both the countries are at present at a satisfactory level is due in no small measure to your efforts. I should like to thank you for your excellent work and to wish you many years of continued service to the nation."

It was only Nehru who could write such an appreciative letter. I felt that the years spent in exile had not been completely wasted.

During my tenure as High Commissioner I had as Deputy Commissioners two men of outstanding ability. The Deputy Commissioner's post carries with it Ambassadorial rank. Nowhere else does number two to the Ambassador hold such high status. Delhi continues to attach to London the same importance that the British did. The two men were T. N. Kaul and Kewal Singh. Kaul was a brilliant man with a great aptitude for diplomacy. Later he left

the High Commission to go to Moscow as our Ambassador. He then became Foreign Secretary, and one of the principal advisers to Indira Gandhi. Kewal Singh was made of more solid stuff. He was steady, careful and cautious. I was always impressed by his assessment of trends and events, and I benefited a great deal by his co-operation and advice.

It would be ungracious and ungrateful of me not to mention my Social Secretary, Mrs. Parkes. She knew everyone in London, and also knew what they liked to eat and drink and what subjects they were interested in. As I was alone in London without my wife, entertaining would have been almost impossible but for the expert advice and ungrudging co-operation of Mrs. Parkes. She had both charm and tact—two qualities which every Social Secretary must possess.

I returned to India after holding my two assignments for about a year and a half. To sum up the results: Because of the Chinese aggression, the ties between India and the U.K. had been considerably strengthened. The U.K. had unequivocally and generously come to the rescue of India, and given the country valuable military support. The British had also realised that a strong India was essential for peace and democracy, and was indeed the only credible bastion in Asia against Chinese militarism. The U.K. had also come to understand our non-alignment policy better and had realised that this policy had stood the crucial test of Chinese aggression. Both the U.K. and the U.S.A. had come to India's help although India was not aligned with them, and this had succeeded in localising the war. If India had belonged to the Western military block, Russia, which was in alliance with China, might have thought it obligatory to support China in her aggression. But Russia had remained strictly neutral, and the war did not lead to a world conflagration.

The author bidding good-bye to President Kennedy.

Ch G *Fidel Castr* *ba.*

The author leaving for Buckingham Palace to present his credentials to Her Majesty the Queen of England

Jawaharlal Nehru, Prime Minister Macmillan and the author at the Tilak House, London.

The author, President Radhakrishnan, Her Majesty the Queen and Prince Phillip at the High Commission, London, for dinner.

The author being sworn in as Union Education Minister.

The author as leader of the Indian Delegation to the UNESCO. On his right is Mrs. Indira Gandhi and on his left Mr. Kirpal.

The author and Mr. U Thant, Secretary-General of U.N.O.

The author and the Shah of Iran.

Shrimati Chagla

CHAPTER THIRTEEN

Education Minister

BEFORE I left for the United Kingdom, I had told Nehru that I would not stay there long, and he should relieve me as soon as possible. Nehru had agreed and casually mentioned about the Cabinet, and hinted that he would have taken me into the Cabinet but for the question of Muslim representation on that body. I told him that if he wanted me to be in the Cabinet, he should take me on my merits and not because I belonged to a particular community. I explained that this would go against everything I had stood for all these years. My country had been very kind to me, and had appointed me to some of the highest offices, but none of the offices I had held was a result of the necessity of having Muslim representation. I had been Chief Justice of Bombay, Acting Governor, Vice-Chancellor, a Judge of the International Court, Ambassador to the United States. But all these appointments came to me because the Government thought rightly or wrongly that I was the most suitable person at the time for the posts I held. I did not wish to spoil my record, which was very clean, by its being said that I became a member of the Cabinet because I was a Muslim. Nehru gave an appreciative smile and said he would bear in mind what I had said.

Immediately after my return from the U.K. I was summoned to Delhi, and I stayed with the Prime Minister for a few days. Nothing of importance transpired for the first two or three days, and then he suddenly asked me which portfolio I would like to

take if I were to join the Cabinet. I promptly replied "any portfolio except Law." He said he was surprised and amused that a lawyer and a judge should have "such contempt" for the legal portfolio. I told him that it was not a matter of contempt; it was a conviction that as Law Minister I could make no contribution to the country's progress. The Law Minister was there to give his opinion, which may or may not be accepted by the Cabinet, but he had no hand in implementing any policy. It was in a sense a purely negative portfolio. I wanted something positive.

Nehru then asked me which portfolio I would like to have if that was my feeling. I replied that I would like to be in charge of industry. I was neither an industrialist, nor had I anything to do with any industry, and all that I knew about industry was what I had gathered from my practice at the Bar and from the cases I had heard as Judge and Chief Justice. But the reason why I preferred this portfolio was that I would be in a position to try and remove the stigma that attaches to Government actions and policies in regard to licensing and industrial relations generally. He asked me what I proposed to do about licences. I said I would deal with every application for a licence myself, even if I had to sit up till midnight every day. I would give public notice that if any contact man approached any member of Government for supporting his application for a licence or tried to use any influence, the licence would automatically be refused. Thus the contact men would lose their utility, and cease to reap a rich harvest in which at the moment many officials, unfortunately, had a share.

Nehru made no reply, but said that he would think over the matter and decide what portfolio I could usefully take up. When at last the decision came, it was the Education portfolio that was offered to me. I accepted the portfolio, but disagreed about what it should include. I told Nehru that after Maulana Azad's death the Education portfolio had been bifurcated—scientific research and culture was with one Minister, and education, as such, with another. I said I could not understand how one could handle education unless he also had charge of science and culture. In the modern age, education without science and culture was no education at all. Nehru agreed with me, and promised that I would be Education Minister in charge of the subjects that

were included in the Ministry before bifurcation. This gave me great satisfaction. It was only later that I fully learnt about the hard struggle that Nehru had with his own party men in his effort to induct me into the Cabinet as a non-Congressman.

A few days after I was sworn in as a Cabinet Minister and had already answered questions in both the Houses, Mahavir Tyagi asked for an appointment, and came for breakfast with me. He confessed that he had been strongly opposed to my being taken into the Cabinet, but that after watching me in the Lok Sabha he was convinced that he was mistaken in the attitude he had adopted. He told me that he had written to the Prime Minister about me, and the Prime Minister had replied to his letter. When he came to see me he had brought with him to deliver to me a copy of his letter, and also the Prime Minister's reply. He said that he had never known the Prime Minister to refer to anyone in such laudatory terms as he did while referring to me in his letter, and that I should keep the Prime Minister's letter as a memento of the high regard in which the Prime Minister held me. These two letters are reproduced in the Appendix. I was deeply touched by Nehru's letter. He had never given me any evidence of his true feelings towards me. I should not really say "never", because he had made plain what he thought of me when I conducted the L.I.C. Inquiry. But this is where the greatness of the man lay. He was not petty-minded; he was not vindictive. Although he knew that I would not bend before him but stick to my own principles, he respected my sentiments, was prepared to speak of me in the most flattering terms, and to take me as a colleague in the Cabinet.

While I was staying with Nehru he asked me one day whether I had joined the Congress, because it was necessary that I should belong to the party as a member of the Government. I revealed to him that before coming to Delhi I had become a four-anna member of the Congress as I had anticipated what the summons from him would eventually lead to. He suggested that I should also start wearing *khadi*. I told him that my wardrobe consisted entirely of Western clothes, having lived so many years abroad, but I would change it all if party discipline demanded such a change. Whether I believed in *khadi* or not, I would wear *khadi* at least on all formal occasions. He told me there was an old Muslim

living in Delhi, who had always made his own *achkans* and *churidars,* and if I agreed he would have him summoned to make my clothes in the shortest possible time. I accepted the suggestion. I went with his Secretary to the Khadi Bhandar to buy *khadi,* and I then realised how much more expensive *khadi* was than the ordinary Indian cloth. The charges of Nehru's favourite cutter were also exorbitant, and it cost me quite a fortune to bedeck myself in my new official garb.

Nehru also told me that I should go and formally call upon the Congress President, who was at that time Sanjiva Reddy. I went to Congress House, and when I was ushered into his room I found him sitting at a table with his legs stretched on it, reading a copy of *The New Statesman.* The man immediately went up in my estimation, for I felt that anyone who read *The New Statesman* had a good knowledge of political journalism, and must be a man of intelligence.

I was not altogether a stranger or a newcomer to education. As I have stated before, I taught constitutional law as a part-time professor in the Government Law College. I am happy to recall that among my students was J. C. Shah who later became the Chief Justice of India. Whether he benefited from my lectures or not he certainly became one of the leading authorities on constitutional law in the country. I started my very first lecture by apologising to the students for being compelled to listen to me. I said that at Oxford, lectures were not compulsory, and it was left to a student whether to attend a lecture or not. This would perhaps depend on the student's estimate of whether he expected to benefit by it. I saw that many of my students had newspapers and novels with them. I told them that I remembered an old proverb, "You can take a horse to the water, but you cannot make it drink," and I knew what the proverb meant. You can compel a student to attend a lecture, but you cannot compel him to listen to the lecture. I would not, therefore, interfere with whatever they might choose to do during the lecture hour, but I would beg of them to show me one favour, and that was that as I was vain enough to think that some at least in the class might want to listen to me, the others should not deny them the freedom that they themselves enjoyed. After that I never had any difficulty in

controlling my students and there was no disturbance of any sort whatsoever.

I was appointed Vice-Chancellor of the Bombay University after I returned from the U.N.O. in 1946. I held the post only for a short time, as I resigned when I became Chief Justice in 1947. It was impossible to hold both the posts together. As I also held the post of a Puisne Judge, I was literally overwhelmed by the amount of work I had to do. I had to sit five hours in Court, and after Court hours I would walk across to the University building to the Vice-Chancellor's room, and there I had to spend another two hours, disposing of the work there. My Saturdays and Sundays were also taken up, because I fixed all the meetings of the Syndicate, the Academic Council and the Senate, either for Saturdays or Sundays so that they could not interfere with my judicial work. It was an ordeal to preside over the Academic Council in particular. It dealt with all sorts of subjects about which I was totally ignorant. I could not possibly know anything about a subject like botany and zoology. I used, therefore, to send for the Registrar, Dongerkery, two hours before the meeting, and he would brief me on every item on the agenda just as I was briefed by solicitors when I was at the Bar. So I went to the Academic Council well prepared to tackle any question that might arise at the meeting. It would be ungracious if I did not say a word about Dongerkery here. He was a solid asset to the University, a man of great talent and culture. He was also a poet in his leisure moments, and has published some of his poems. Dongerkery knew a lot about university education and university administration. There was also another able officer to help me. That was Mr. Marshall, who was in charge of the library.

At the time I became Vice-Chancellor, the jurisdiction of the University extended not only over the whole of the undivided State, but also over Sind. Considering the number of Universities we have today, the complexity and volume of the administrative work involved in the post of Vice-Chancellor in those days can well be imagined. We were on the eve of partition, and there were serious difficulties with regard to the Hindu colleges in Sind. The Sind Government had passed the Sind University Act, and it insisted on these colleges being affiliated to the Sind

University. The colleges, suspicious of the policy that the Sind Government might adopt, wanted to remain affiliated to the Bombay University. I pointed out that to affiliate or not to affiliate a college was the sole prerogative of this University. That prerogative could not be interfered with or taken away by any Government except our own. So long as our colleges in Sind wished to remain affiliated, and not break away from us, and so long as the necessary legislation had not been passed severing the connection, the colleges in Sind would continue to remain affiliated with us. I argued that common courtesy demanded that the Sind Government should have held talks with us before passing the Sind University Act, so that the difficulties of affiliation and disaffiliation could be resolved. But the Education Minister of Sind, Pir Ilahibux, took a threatening attitude. He declared that if the colleges in Sind continued to be affiliated to the Bombay University, they would not be paid any grant by the Sind Government. Moreover, if the government owned any of the lands on which any such institutions stood, the ownership of such land would be resumed. This was a sharp reminder of the shape of things to come. Sind had already taken up a hostile attitude, which was to become so characteristic of Pakistan's policy after partition.

Before I became Vice-Chancellor, I had also served for many years on the Senate and the Syndicate of the University. Therefore, I was familiar to a certain extent with the problems that faced a teacher or a student, and also problems connected with the administrative side of education.

The difficulties that confronted me when I became Education Minister were formidable in their magnitude as well as complexity. The most serious of these arose from the fact that education was a State subject, and except with regard to co-ordination, research or the maintenance of standards in higher education, the subject lay entirely within the purview of the States. The Centre also had some responsibility for technical and scientific education. There were moreover the Central Universities, which were under the control of the Union Government. But whether it was primary education or secondary education or University education, the States, if they were so inclined, could

do what they liked without the Centre having any voice in the legislation that they passed or in the administration of the system. I was anxious that education should have a national perspective and educational policies should have uniformity. That was the only way, in my opinion, to restrain and restrict purely regional and linguistic tendencies. But without the co-operation of the States it was impossible to achieve an all-India outlook. I think our Founding Fathers committed a great mistake in making education a State subject. It should at least have been placed in the Concurrent List, so that, if necessary, the Centre could effectively intervene in the national interest.

Throughout my tenure as Education Minister I tried very hard to persuade the States to agree to transfer education to the Concurrent List. State assent was essential because without a ratification by the legislatures of not less than one half of the States, it was not possible to amend the Constitution. Parliament was almost wholly with me on the desirability of such an amendment. But the States were adamant; and with the one honourable exception of the Punjab, they all refused to surrender the power which they already possessed. Let me say to the credit of Kairon, who was then Chief Minister and also the Education Minister of the Punjab, that whatever other faults he might have had, he had a broad vision, and realised the national interest involved in such an amendment.

This often led some people to ask why there was an Education Minister at the Centre, when education was a State subject. Notwithstanding the constitutional provision, the Central Government had some authority and could influence policies by reason of the funds at its disposal. The Centre used to make grants to the various States for carrying out projects which found their place in the five year plans. And in giving financial assistance it naturally could insist on the projects conforming to national policies and standards. We had also various centrally sponsored schemes, which in effect made a dent in the autonomy of the States on the question of education. We had Central schools which were intended to be a model for the States to follow. We had teacher training programmes for raising the level of efficiency of the teachers. There were the national laboratories, and

institutes of industrial training. We held from time to time conferences of Education Ministers from all over the country, who met to co-ordinate their policies under the guidance of the Education Minister at the Centre. The Central Advisory Board of Education with its standing committees helped in assessment and in drawing up plans. The contacts in the field of education between the Centre and the States were thus fairly close and continuous, and therefore it is wrong to say that the Education Ministry had no rôle whatever to play in shaping the educational policy of the country. Far from it. In all important issues it could always give a lead, it could advise, it could supervise and even control what the States were doing in their own territorial limits. But there certainly was a limit in practice.

I was most anxious to have an All-India Educational Service similar to the I.A.S., so that the States could benefit by the impartial and objective attitude of these officers, as well as by their higher skill and knowledge, when they were posted to the States while the Centre would equally benefit by their experience when they returned to the headquarters. There were many other advantages which it would be unnecessary to recount here With great difficulty I got the States to agree to this, and after protracted negotiations we drew up a scheme. As far as I remember, a Bill was even introduced, but the matter did not proceed any further, and the whole thing was still-born. The linguistic controversy and the growing assertion of the States of their autonomy and of their desire to have their own men in the Educational Service made the desired consummation impossible.

Shankar's Weekly in its column "The Man of the Week" of November 24, 1963, summed up my problems and my difficulties with extraordinary precision and understanding:

> "A hundred thoughtless experiments had converted the educational pattern to a near lunatic scramble, each State going its own way with no co-ordination between education at one level and another. It is no easy jungle that Chagla has to clear. There are language problems, ideological irrelevancies, fads, crankism playing mischief that constitutes the undergrowth. Would-be educationists have pet cures and panaceas.

> Quacks with political pull continue to monkey with schools. Nepotism is rampant, coaching exiguous and what is known as college politics, pervasive in our Universities. It is not that these facts have not been known to policy makers at the top, but time and again they have had to connive or compromise because of political necessities. Mr. Chagla, fortunately, does not have to bother about this aspect for he is not a narrow politician out to either garner personal power or dispense patronage."

I may say that whatever my other faults and shortcomings might have been as a Minister, I never succumbed to the temptations of personal power nor did I ever try to dispense patronage in making appointments.

The aims I set before myself I described fully when inaugurating the Education Commission. I said that any educational system which we devise should achieve the social and political goals which the country had placed before itself. Education was meaningless and had no significance if it did not train the citizens of a country to work for certain targets, certain goals, certain ideals. We had to remember that one of the directives laid down by the Constitution is that every child shall receive free education till the age of 14. We were still very far from reaching that target. It was our solemn duty to achieve this target in as short a period as possible, and to provide every child with such elementary education as would make him or her a productive worker and a responsible citizen of our democracy. I said that any worth-while education should advance the cause of democracy, secularism, unity and socialism. The expression "socialism" need not frighten anyone, because socialism in essence meant social justice which had been denied for centuries to the weaker sections of our society.

We should have a system of education that would meet the challenge of the modern age. Ours was a scientific and technological age, and we should derive full benefit from the technological and scientific revolution which was taking place all over the world. I said that I attached the greatest importance to the study of science. Science was important, not merely because it

extends knowledge, but also because it is only through the cultivation of a scientific temper that we can bring about any social change. We need a modern and rational outlook, and we want to do away with all superstitions and irrational inhibitions. That can only be achieved through the advancement of science.

While we should look ahead, try to be modern and rational, we should also have our feet solidly planted in the soil of our country. Education should have a *swadeshi* orientation and relevance to Indian conditions. That was the way to blend the two cultures of science and humanities between which, we are often told, no synthesis was possible. I did not subscribe to this view, for I thought that integrated education would bring about a proper synthesis between the sciences and the humanities. Our education must also produce leadership for the future. No country can be really great unless it has leadership, and education should always be aimed at the production of an intellectual elite. The pursuit of excellence in whatever work we engage in is among the highest of educational ideals. Opportunity should be open to everybody, who has the capacity and the ability to reach the top. It was not enough to create a top; we must also create opportunities for everybody to reach the top.

I said that the time had come in the history of education when we should lay special emphasis on quality. There had been a tremendous quantitative expansion in education. There were 60 million children in schools, and more and more were knocking at the gates. There were not enough schools, there were not enough teachers, there were not enough text books, but boys and girls wanted education. Parents wanted their children to go to school more than ever before. I drew attention also to the problem of national waste in education. If one looked at the figures of failures at the secondary and University examinations, it was clear that boys and girls were in educational institutions for which they were not suitable. The most important problem in secondary education was the need for diversification. Today everyone who passes the secondary school leaving certificate examination wants to go to college, whether he is fit for higher education or not. We should provide alternative avenues for such students. The pressure on the universities to expand was responsible for bringing down the

standards of higher education. Higher education should be available to every citizen, but not necessarily through a regular college. We should have correspondence courses, evening classes and part-time courses. We should also emphasise the importance of post-graduate education. That is where we got excellence. It is only the post-graduate department that can set the tone and provide standards for the whole system of education.

Speaking about the Education Commission, I might as well mention how it came to be set up, and how it was constituted. I remember seeing Nehru once and telling him that I wanted to set up an Education Commission. His first question was "Is it going to be a national commission?" I replied, "It will be a national commission. But it will be helped, guided and counselled by eminent educationists from different parts of the world." He looked at me for a while as though in deep thought, and then said, "Go ahead. It is a very good idea." I gave considerable thought to the question of who should be members of this Commission. Without hesitation I selected Dr. Kothari, Chairman of the University Grants Commission, to be its Chairman. Kothari is a dedicated educationist, and also a distinguished scientist. And considering the importance I attached to science, I thought it was only proper that a scientist should chair the Commission. As regards the membership, apart from leading Indian educationists, I selected eminent educationists from countries abroad. One member who also acted as Secretary was J. P. Naik. He had an all-round knowledge of education which was hard to parallel. The Commission was to survey all aspects of education, and submit a report as soon as possibe. And I promised the Commission that as far as it lay in my power I would see to it that the Report did not merely form part of the national archives but would be implemented. The Commission submitted a very able and a well considered report, full of practical value. But I disappeared from the scene, and it was left to others either to implement it or to consign it to the limbo of history.

One very important question that exercised me greatly related to the medium of instruction. It was a highly controversial and explosive question, and acrimonious controversy raged round it throughout the time I was in the Cabinet. Language, instead of

being regarded as a means of communication and a vehicle for conveying knowledge and thus a wholly practical device to be judged by practical considerations, had become a highly emotional issue involving bitter regional and provincial rivalries. It aroused extraordinary bigotry and fanaticism, a weapon of offence and defence to be used against one another. In this ferocious regional controversy the interests of national unity were wholly forgotten. The linguistic State became the champion and protagonist of its own language, forgetting that the State was part of India and its language must play its proper role, but no more than its proper role, in the wider linguistic set-up of the whole country, bearing in mind the need for a common language for national communication.

Though I met with fierce opposition in Parliament and outside, I steadfastly adhered to the policy I enunciated. I first formulated this policy in some detail soon after my appointment, in my convocation address to the Jadavpur University.

I admitted that the problem was very difficult because we had a large number of languages, all of them rich in the possession of great literature, and with great potentialities of growth. I praised the old British rulers for incidentally spreading the knowledge of English, and for making it a means of communication between one part of India and another, and one section of the people and another. It would be contrary to the facts of history to deny that English had a great unifying influence in our country. It was the language from which we not only learned the principles of responsible government and democracy, but imbibed the ideals of freedom and human dignity which we used as weapons on many platforms to fight the very rulers from whom we learnt about them. I admitted there was an intrinsic objection to the use of English as the sole medium of instruction. It was not the mother tongue of the people, and a knowledge of the language did not and could not permeate down to the masses. It created an intellectual elite, but it did not solve the problem of mass illiteracy, or facilitate the spread of education among the masses.

I reiterated certain propositions which were universally accepted. First, that the child must be taught in the early stages through its mother tongue. Secondly, we must have an all-India language as a means of communication among the States, and between an individual State and the Centre, a language in which scholars and academicians from all over the country can exchange their ideas, and through which scientific research can be carried out. It must be the language of administration, at least at the Centre, and also the language of the judiciary. Throughout our history, whenever India was united, we had a link language, whether you call it official language or court language. In the very early days it was Sanskrit; under the Moghuls it was Persian; during the British regime it was English. Without such a common language there was a great danger of the Balkanisation of the country, and of linguistic chaos. We did not want to have a situation where in an all-India conference we would need interpreters to interpret the speech of one Indian to another. It would seriously undermine and impair the intellectual and cultural unity of the country, because it would make the movement of teachers, students, writers, artists, scientists from one part of India to another, and from one educational institution to another almost impossible. We could not have all-India institutions, unless the medium was one which was accepted by the whole country.

The Constitution envisages Hindi as the common national language. I could understand how strong sentiments or a sense of national pride in a country that had just recovered its freedom would never permit a foreign language to be the national and link language of India. But before Hindi could play such a rôle, it had to be accepted without reservation by the country as a whole; and, in the present state of public opinion, excepting the North, the other parts of India, broadly speaking, were not prepared to embrace it. We must, therefore, work assiduously for the promotion of Hindi, but we must be careful at the same time to see that the South and also Bengal did not have the feeling that we were ramming this language down the throats of unwilling people. The process of a general acceptance of Hindi may be slow, but at every stage it must carry with it the concurrence and consent of the whole country. We should not

create the impression that one part of India was taking advantage of the linguistic factor to dominate another part.

I drew the attention of my audience to the fact that Hindi was not spoken by or even known to millions of our people. Apart from their own regional language, some of these people were more familiar with English than with Hindi. Development of regional languages was proceeding apace, and I was wholly in favour of such development because most of our regional languages possessed a vast literature, and were comparable to many modern European languages. And we should do everything possible to help the promotion and development of Indian languages. But in any such policy there was a danger, and a very serious danger, that while we concentrated on this development we might overlook the broader national need of an all-India language, which should act as a link and a bond to tie our people together.

In my convocation address I also dealt with the question of the medium of instruction in the Universities. I said that I appreciated the argument that unless the regional language was made the medium of instruction in the Universities, the progress of the regional language would be retarded. But I underscored the danger of a sudden change over from English to the regional language, which could result in a precipitate lowering of educational standards. There were no suitable text-books in the regional languages, and with regard to science the difficulty was even greater. One could at least translate the text-books in the humanities. But in sciences, apart from the text-books on the subject, one has to keep pace with new discoveries, and this was possible only if one knew what appeared in a large number of scientific journals, which were at present only published in English or other European languages.

I made a strong appeal that in the field of education we must not do anything which would undermine our national structure and the foundations of unity on which the edifice of our Constitution had been raised. What other consequence could one expect but a general weakening of national solidarity if from the large number of Universities in the country graduates in arts

and sciences were turned out, who knew only their own regional language and would not be able to communicate with graduates of other Universities. Therefore, it was necessary that we should have a common language at the University level. The Constitution envisages that Hindi should be this language, but that possibility could not be contemplated for some time yet. Therefore, English had to continue in the more immediate future. Even if some Universities adopted the regional language as the medium of instruction, which I hoped they would not do in a hurry, the study of English at all stages of University education should be compulsory. And even when Hindi replaces English as the link language, the study of English should not be given up, for the usefulness of English would always remain both because it had nearly become a universal language, and also because it constituted a window through which we could look out upon the world outside, a window through which new ideas might enter and circulate in the country. English would always remain the language of international relations and the principal language of science. A knowledge of English was a great cultural asset which we possessed today, and it would be a shame and a tragedy if as a gesture to political chauvinism, we threw it away.

I also emphasised the importance of the proper teaching of English in my convocation address If we were going to retain English as a medium of instruction, it was necessary that English should be properly taught in schools since from schools many of the students would go to the Universities. One of the most terrible things that had happened in Indian education today was that our standards in English had fallen everywhere; and in lowering the standard we had overlooked the obvious fact that these unfortunate students who do not know sufficient English would have to attend lectures where the professors would speak to them in English. Many professors had told me that while they delivered lectures, they had the feeling that they were addressing a dead audience, as the students could not take in anything that was said and all that they could do was to cram text-book material in order to pass examinations. Therefore, I

suggested that there should be a halt to this foolish vendetta against English.

I might here elaborate slightly a point I made in my address at Jadavpur by referring to the disastrous effects that the discontinuance of English would have on our judicial administration. Our legal system is largely based on English law, and our Bar and the judiciary are functioning within a unified system. Every High Court knows what the other High Courts have decided, and there is always an attempt at maintaining co-ordination and uniformity. At the apex of the judicial edifice is the Supreme Court which lays down the law, which is binding on all courts in the country. How is such a system to work without a common language? There has been a clamour from politicians that the High Courts should switch to the regional language. The High Courts do not function in a vacuum, and all the laws, in the first place, will have to be translated into the regional languages. But laws are merely the skin and bone of a judicial decision. The flesh is supplied by precedents established by other courts, and by commentaries and text-books written by eminent jurists. If you look at the library of any High Court, however ill-equipped, even 50 years would not be sufficient to translate all the books which help the Bar and guide the judges.

How would the Supreme Court function? Judges of this Court are appointed from different parts of the country. Many of them do not know a word of Hindi. How would the dialogue between the Bench and the Bar be carried on? Will the members of the Bar argue in different languages? And will submissions be translated also into different languages to make the judges understand what arguments are being advanced? I do not need to elaborate further. To have the regional language in the High Court is a mad man's dream, but politicians will stick at nothing to make madness a reality. It would sound the death-knell of our judicial and legal traditions which are now so high. In no department of public life has India made a greater name than in the legal and judicial field. We have produced eminent lawyers whose persuasiveness, legal acumen and lucid presentation would be an ornament to the profession in any country. We have produced great judges whose pronouncements have received the

admiration of the highest tribunals in the world. Before we break up this magnificent edifice, which we have built, let us pause and think about what we can put in its place. The judges have been the custodians of citizens' rights, and have enforced with an even hand and scrupulous impartiality the rule of law. It would be impossible to find such a body of men under any other system.

We must also consider the question of the Bar. We have an all-India Bar and a common roll of advocates for the whole of the country. A lawyer practising in any of the High Courts can appear in any court anywhere in the country. The national character of the Bar will be lost if the High Courts adopt regional languages.

I have heard that a crash programme of translation will solve all these difficulties, and the Government has promised crores of rupees for this purpose. But crores do not produce the men who will undertake these translations. An efficient translator must know well the language from which he is translating, the language into which he is translating, and the subject-matter with which he is dealing. This crash programme will only produce shoddy and ill-digested translations to the serious detriment of the students and also the public. What we need is a crash programme for the development of our languages. To quote Gandhiji: "We do not wish to become a nation of translators. We have to produce original works, we have to learn to think in the original language, and we have to produce teachers of high calibre who can impart instruction." Today we have teachers in our Universities who do not know the regional language or Hindi, and yet they are outstanding, and have gained international fame. Are they all to be turned out in the sacred name of linguistic development? In short, the result will be disintegration of our intellectual life. We will shut ourselves up in our respective States without the possibility of a national dialogue. There will be no incentive for, and no possibility of holding all-India conferences and seminars in which the advances of knowledge achieved in India are measured and compared with what is happening in the world outside, and further effort and endeavour stimulated.

I also discussed in my Jadavpur address the "three-language formula" which then held, and in a way still holds, the field. The formula meant that in every school three languages should be taught—English, Hindi and the regional language. In the north, where the regional language was identical with the national language, Hindi, the three-language formula meant English, Hindi and an Indian language. This was done in the name of equality and with a view to putting an equal burden on all the students. While the south tried to work out this formula, there was flagrant and dishonest violation of it in the north. The understanding was that students in the north would select a south Indian language as the third language but, instead of this, the students usually selected Sanskrit, which it was easy for them to learn, as Hindi was almost wholly derived from the Sanskrit language.

Further, there was the question of the script. While the student in the north had to learn two scripts, Roman and Devanagari, the student in the south had to learn three, Roman, Devanagari and the script of the regional language. Although Hindi was taught in schools in the south—it was taught only up to a stage—the teaching was most unsatisfactory and inadequate. Failure in Hindi did not entail failure in the examination, and the student forgot the language as soon as the Hindi course was finished. Even in those places in the north where the three-language formula was honestly sought to be implemented, the students realised that they had no use for the third (South Indian) language, and it was sheer waste of time and effort to try to teach them something which they were sure to forget within a short period of time.

My own solution to the problem was two-fold. India should be bilingual rather than trilingual. We should work to make Hindi the link language, and continue to keep English as the associate language. But the great danger inherent in this solution is becoming more and more apparent as time passes. While the south is emphasising the need for the study of English, the north is shouting *English Hatao* and is concentrating on Hindi. The ultimate result of all this might be that the north of our country would become Hindi-speaking, and the south English-speaking.

This would seriously undermine the unity of the country, and prevent any serious intercourse or communion between the two parts.

I was also strongly in favour of a common script. One can become enthusiastic, and indulge in flag-waving on behalf of the mother-tongue. But there is no such thing as a mother-script. One may lisp in one's mother tongue, but one does not lisp in one's mother script. A common script would open up more easily avenues of knowledge enshrined in different languages in India to every one. The only common script one could possibly adopt is the Devanagari script, which is the script of Sanskrit, the mother of most Indian languages, and is also the most scientific with a capacity for reproducing all the sounds which are found in a language. I made many efforts to convert the Chief Ministers to my idea, but I received a blanket refusal, both from the southern States and West Bengal. The then Chief Minister of West Bengal, in fact, told me, and this quite emphatically, that he would rather have the Roman script than the Devanagari script. The alternative he contemplated was the adoption of the Bengali script for all the other languages.

I also tried to persuade my Muslim friends to adopt the Devanagari script for writing Urdu. I told them that there were millions of non-Muslim admirers of Urdu, but they could not read Urdu books because of the script. Urdu would receive a tremendous fillip, as Urdu books would circulate much more widely if they were written in the Devanagari script. The experiment was tried with the works of Galib, the great Urdu poet, with striking success. His poems were published in the Devanagari script, thousands of copies of which were sold.

I met the religious objection of the Muslims about the scriptures appearing in the Persian script, by telling them that this script could be taught to the Muslim children in their homes, so that they could read the scriptures. But my arguments were of no avail. People refuse to think rationally or logically where deep-seated sentiments are involved, and nothing is more deep-seated than emotions relating to religion or language.

I was also of the opinion that the Hindi which was being sought to be made the official language was not the Hindi contemplated by the Constitution. The official language proposed was to be a composite language to which the different languages in India and the cultures which they represented had contributed. Gandhiji's dream of an all-India language was more realistic. What he wanted was Hindustani, the language of the common man. But today we find a language imposed upon us which is highly Sanskritised, and which even a large number of people even in the North cannot fully understand. A deliberate attempt is made to eliminate all words of Persian and Arabic origin and even words in common usage. It has always been my belief that Hindi and Urdu are really the same language, the only difference being that in Urdu there are more words of Persian and Arabic origin, and in Hindi more words of Sanskrit origin. But the structure and grammar of the two languages was the same; and simple Hindi was understood by a Urdu-speaking person, and also the converse. Simple Hindi would be better understood all over the country than this new-fangled language which is the result of extreme form of regionalism and bigotry. People forget that a language is the richer for having a large vocabulary of words derived from different languages. This explains the astonishing subtlety and flexibility of a language like English. It borrows freely, and continues to grow. The unfortunate Hindi-Urdu controversy, which is mainly based on the script, is further embittered by the rapidly widening cleavage that is taking place between the two languages. I was attacked time and again as one who is anti-Hindi, and who wants to benefit English at the expense of Hindi. Nothing is farther from the truth. I had put my Deputy Minister, Bhakt Darshan, a highly conscientious and most loyal colleague, in charge of the Hindi Division, and I used always to say that he was my conscience-keeper as far as Hindi was concerned. We did a great deal for the propagation of Hindi; the reports of the Education Ministry will bear this out.

I sometimes think that politicians tend to take up extreme positions out of a conviction that such attitudes will bring them popularity. The easier, the more flexible and the nearer it is to the spoken tongue, the greater the chance that Hindi will be accepted

in non-Hindi areas. There is no greater enemy of Hindi than pedantry, and of course excessive zeal. If we are slow, we will at least make progress sure.

When I joined the Ministry I realised that I had to clean the Augean stables, and streamline the working of the Ministry. One of the first things I did was to ask my personal secretary, Malhan, a very competent officer, who is now with UNESCO, to call for the records of all the Committees that had been appointed and find out when they were appointed, what progress they had made, whether any reports had been submitted, and what action had been taken. When I saw the information the secretary had collected, I was astounded. Some committees had hardly met, and there was no progress; others continued to meet without doing any appreciable work. In some cases where a Committee had submitted a report, another committee had been appointed to consider the report submitted by the earlier committee. A committee is very useful in advising a Minister, before he takes any policy decision; but the Committee must be small, effective and quick in its work. In our country, however, more often than not, a committee is a substitute for action, or for putting off decision on a thorny or controversial issue. I found that these committees were costing a lot of money in daily allowances and travelling allowances. I, therefore, decided to wind up about 50 committees. My action was described as wholesale massacre, the night of the long sword. The general public acclaimed what I had done, but the vested interests who lost the membership of the committees which gave them some status and also some income, were sore at my decision.

I insisted on regular hours in office. I used to be at the Ministry at 10 o'clock sharp, and I expected the officials to be in their places on time. Unless the Minister himself is punctual, he cannot expect his staff to observe punctuality. I used to sit at the Ministry sometimes till 8.00 p.m., although, excepting my personal staff, all the others had left the building in the South Block by then.

I had a very competent set of officials to work with There was Kirpal, my Principal Secretary, and Chandiramani, Joint Secretary and later Additional Secretary, and my personal technical adviser.

Kirpal was a brilliant officer, and an unusual combination of distinguished academician and able administrator. He had imagination and vision, and was internationally known for his scholarship. I gave him an extension of one year, and when I left the Ministry I left a note that a further extension should be given. But as is almost always the case with successors, my successor did not act upon this suggestion.

Chandiramani was a trained engineer, and he supervised the technical and scientific side of the Ministry with great ability and distinction. He was very conscientious and hard-working, and often even when I left the Ministry late, the only officer still at his desk was Chandiramani. I would sometimes indulge in a little banter, saying that it was the duty of the Minister to stay late, but there was no such obligation on a permanent official to work outside office hours.

The personal staff is selected by the Minister, and he has complete discretion in doing so. When I was appointed Minister, I was asked whom I would like to have on my personal staff. Usually Ministers get people from their own State, or people known to them and in whom they have confidence. I thought I would consciously make a departure from this practice. I said I did not see why I should bring anyone from Maharashtra, the State to which I belonged, when there were people in the Ministry itself who were deserving of promotion. By a curious coincidence all the three members of my personal staff whom I happened to choose were from Punjab—Nanda, Sud and Sikka. I am glad I made this choice, as no Minister has ever been better or more loyally served than I was. They were all experienced and capable men, and wholly devoted to my service. Sikka particularly saw to my personal and private affairs, and saved me the worry and time needed to attend to such matters. My stenographer in the Ministry, Kundra, was one of the best stenographers I have ever had. A stenographer can make the life of a Minister hell because, if he does not take down the dictations correctly, it means very often rewriting the whole draft. I am rather fast at dictation. I do not have any notes, and I do not remember what I have dictated. If the stenographer is inefficient on any account, the type-script would be garbled and I would have to ask myself whether I was

capable of such unintelligible and absurd dictation. I would then rack my brains to remember what exactly I intended to convey. The same work has to be done over again, and one is liable to miss a point or two. A good stenographer is God's own gift.

There are only two other stenographers I have come across who were in the same class as Kundra. One was Doctor, now Secretary to the Chief Justice, who was my stenographer when I was on the Bench. He took down my summings-up to the jury when I presided over the sessions, and I was perpetually amazed at his speed and accuracy. When I became Chief Justice I brought him over to take down my judgments. He was wholly unfamiliar with civil work, and very often I used to deliver ten or twelve judgments a day in civil revision applications. Still I found that the judgments were ready and typed next morning, and I had no corrections to make, except inserting an article or deleting one. Finally, there is Mr. Pithavala who typed part of this manuscript and also saved me a great deal of trouble in revising the typescript.

Speaking of files, I must say that they are the curse of every Ministry. Every subject originates from the lowest official, the section officer, who makes his note, and the file travels up by slow and dignified steps through the Deputy Secretary, Joint Secretary and the Secretary and ultimately reaches the Minister. And if the Minister takes a decision, the file again with the same methodical precision travels down the whole course to the section officer. I am quick by temperament and want to arrive at a decision quickly and also implement it quickly. I often cut through this jungle of files, and called for the man who was responsible for a particular subject, and asked him straightway to carry out my decision. The bureaucratic mind was not satisfied, but I had my work done, and that was all that mattered.

The other headache in the administration was the Finance Ministry. I have never known a Ministry more answerable for holding up decisions than the Ministry of Finance. We have an ante-diluvian procedure which, with all my effort, I could not get changed. I might explain how things actually work. Budget Estimates are prepared by a Ministry after careful scrutiny. The

estimates are then presented to Parliament, and Parliament passes them. With a naivété, which in retrospect seems utterly shocking, I thought that once the Budget was approved, it was for the Minister to take the decisions, always provided they were within the four corners of the estimates that had been sanctioned. The Minister could not spend one anna more; but as far as the funds that had been voted were concerned, I thought I had complete control over how to spend them.

It should also be remembered that whatever the Ministry spent was audited; it had also to pass the scrutiny of Parliament. In reality I found the Ministry was completely helpless before the power and influence of the Finance Ministry. Every Ministry had an officer from the Finance Ministry attached to it, and he scrutinised every expenditure that the Ministry wanted to incur, and very often referred it to the Finance Ministry. And the Finance Ministry had to be satisfied with regard to all kinds of details, as if it was sitting in judgment over Parliament. There was one very glaring instance which I cannot forget. After Parliament had voted a large amount for the setting up of the Jawaharlal Nehru University, and I negotiated the purchase of the campus, the expenditure had, as usual, to be sanctioned by the Finance Ministry. Incredible though it may seem, the Finance Ministry put up a note, in effect questioning the necessity for a second University in Delhi, and asking my Ministry to satisfy them about the need for this new expenditure. I lost my temper and asked the officer concerned to write a stinging note to the effect that the Finance Ministry was not responsible for education policy. That was the responsibility of the Education Minister and of Parliament. The Finance Ministry had no business to ask the Education Ministry the reasons for giving effect to a policy formulated by it and endorsed by Parliament. Needless to say, the expenditure was sanctioned.

There is an impression in the Finance Ministry that everyone else is wasteful and extravagant, and that it alone has the obligation to keep Government finances solvent. The men also take a secret delight in harassing other Ministries with frivolous questions and petty-minded objections. The reluctance to spend on

anything new is obvious. Whatever the justification, this is not a mentality that is suited for an era of planning and development.

I had to deal with three subjects, education, culture and science. About education my immediate concern at the time was to raise the status and dignity of teachers, and to improve their emoluments. In the past the teacher in India was always highly respected. He was poor, but he had position and dignity. Today he continues to be poor, but has lost both regard and respect. It was shocking to find teachers in the primary schools, who are mainly responsible for moulding the character of the young, being given the mere pittance of a salary with which they could not possibly make both ends meet, and driven to supplement their income in some way or the other. We tried our best to restore to the teacher the place and dignity which he enjoyed of yore. We decided to organise every year a Teachers' Day which was to be celebrated on President Radhakrishnan's birthday, when the teachers were given the prescribed national awards. I fought hard to persuade the States to increase the emoluments of lower grade teachers. The first proposal we made was that the Centre would bear 50 per cent of the increase in dearness allowance. Then I got the University Grants Commission to draw up a national scale of salaries for teachers. Here, again, we offered to bear 80 per cent of the cost for five years, when the States were expected to take over the responsibility. Many states dragged their feet, but there was a marked improvement in the total emoluments that a teacher received. But much still remains to be done. In my opinion, there should be a national minimum pay for teachers. An individual state should be free to pay more than the minimum fixed but no State should pay less than the minimum.

I was also anxious that the training of teachers should be improved. Teachers in primary and secondary schools were hopelessly out of touch with modern trends in education, and were ill-suited to educate a generation which would be called upon to face a new technological world. We had four training centres each in four regions of the country, and it was the hope that even if a handful of teachers were properly trained, they would set an example, and improve the whole atmosphere in which the schools functioned. I also thought that the teachers

should be trained through correspondence courses. An experiment in correspondence courses was started by the Delhi University, and the results were beyond expectation. It was found that students who had taken these courses had done better than those who went through a regular collegiate course.

The other difficult problem which confronted me was how to relieve the pressure of numbers on the colleges. Standards had been falling rapidly, and something had to be done to control admission to colleges. This did not mean that deserving students would be deprived of the opportunities for higher education. But the question could only be solved first by providing other means for higher education, such as correspondence courses which I have already mentioned, or morning and evening classes and also finding alternative avenues of training for students after secondary education. Many polytechnical schools were established, so that students could join courses for which they were suited, and learn some craft instead of adding to the number of unemployed graduates.

I was opposed to the starting of new universities indiscriminately because very often this happened not in the interest of education but because it was regarded as a status symbol. I made it clear to the State Governments concerned that the University Grants Commission would not give grants to any university which was started without the consent of the Commission. If universities sprang up like mushrooms without adequate facilities or equipment, the graduates turned out by such universities would have no place in the country when competition for employment was so fierce. The alternative we suggested was the establishment of university centres in different parts of the State which in due course could develop into full-fledged universities. I am afraid my directive was very often ignored, and the States in defiance of the well considered opinion of the Centre persisted in starting new universities with little or no groundwork. The establishment of new universities also became a political slogan.

I was strongly in favour of the institution of public schools. These schools maintained very high standards of education, and turned out excellent products. It is true that at one time they

were pockets of privilege. Only the rich and those belonging to the princely order were admitted. Family ties were more important than intelligence or academic distinction. I wanted these schools to give a large number of scholarships to boys from the poorer sections of society, which could not afford to pay the very high fees charged by these institutions.

As I told the Delhi Public School, they in their school should represent the aristocracy of intellect and the democracy of opportunity. There was a great deal of opposition, both in Parliament and outside to public schools. I made it clear that far from closing these schools I wanted more such schools opened in the country as models. They would not only encourage scholarship but would mould character and could provide future leadership if recruitment was democratised. I wanted a model school in every district, and towards this end we pushed forward a project for establishing more and more Central Schools in which the standards of education were to be very high.

All this was in pursuance of my declared policy of the pursuit of excellence, and the creation of an intellectual elite in the country. We also specified in every university a particular subject in which we were satisfied the standard of coaching was high, and the University Grants Commission gave special grants to further strengthen such a department so that it could attract the best teachers and the best students from all over the country, and the University could become known for its high standards in that particular subject. Thanks to President Radhakrishnan's magnanimous offer to hand over the Viceregal Lodge at Simla for use for purposes of education, we were able to establish there an Institute of Advanced Studies. Selected students and university teachers came to the institute on a generous scholarship to do research and to write theses amidst the beautiful surroundings of Simla so conducive to study and reflection. Mr. Ray, whom I appointed the first Director, did a fine job in building up a large library and in making structural alterations to adapt the residence of a Viceroy to the humbler needs of students and professors. President Radhakrishnan and I went to Simla to inaugurate the institution.

One other serious problem which had to be tackled was wastage in adult education—the prevention of the large number of students who had been made literate, after vast sums of money had been spent, from lapsing into illiteracy. This, of course, is only one aspect of the ubiquitous problem of wastage in Indian education. When students left schools they had no further interest in education. To obviate such a possibility it was necessary to keep up their interest in reading so that they could continue to educate themselves. The only way to solve this problem was to supply them with the type of reading material that would excite their interest and curiosity. For this purpose a large-scale library movement was necessary. Considering the size of our population, we have very few libraries, and most of them are located in the larger cities and towns. The books never reached the masses, and they had no familiarity with the written word. The Delhi Public Library has an excellent scheme by which mobile vans are used to carry simple and easy books in English and Hindi to villages surrounding Delhi. These vans go to the villages, attract a crowd, and those who are literate pick up some books from the van and return them after reading when the van calls at the place next. I wanted every library to have an extension service, and not confine its attention and activities to the place where it was situated. I also pleaded with the States to levy a library cess, which could be devoted to strengthening existing libraries, and for establishing new ones.

Another grave problem which vitally affected the interests of students was the text-book trade. This had become a racket. In my school days we had the same text-books, which were always of the finest quality and the highest standard, and which could be used from year to year, with younger brothers using the copies left behind by their elder brothers. But now I found that text-books were changing every year, because it had become a source of profit, thus providing an opportunity for the exercise of nepotism and patronage. The text-books were badly printed, were full of inaccuracies, and worst of all, they were never ready when schools opened for the new term. Students had to study for days together without the help of text-books. The only solution was for the Centre to undertake a massive programme of

publication of text-books throughout the country—books that were both cheap and of high quality. We put through a scheme for bringing out model text-books for different classes. These were first to be introduced in Delhi schools. But the idea was that they should be later on accepted and adopted by all the States. We wanted these text-books to be translated into different languages, and to persuade the States to introduce them in their own schools. The project would also ensure improvement in the standard of text-books as well as uniformity of content. This would, in addition, prevent appalling distortions, instances of which had come to light in the text-books on history or geography or social sciences in some States, arising from parochial pride and chauvinism.

One serious difficulty in the way of introducing standard text-books, especially in colleges, was the question of copyright. Our ultimate object was that all text-books should be written by Indian authors. But at the time, such authors were not available, and therefore, we had to translate the standard text-books written in European languages. The stumbling-block in our way was the law and conventions relating to copyright. We were a party to two international Copyright Conventions which safeguarded the rights of authors, and we wanted these Conventions to be amended so as to help text-book production in developing countries. We had many discussions on the subject, and we pointed out that copyrights were not intended to prevent the diffusion of knowledge while safeguarding the rights of authors. Our proposal was that the copyright of a book should vest in Government after seven years, after which period the Government concerned should have the right to reproduce and translate particular books.

The distortion of history, as we found it, was particularly prejudicial to national unity and national integration. In the past, text-books in history were usually written from the British point of view, and portrayed the greatness of the British Empire, the heroism and chivalry of the British army, the good work done by the British rulers, and in contrast to this the weakness and instability of Indian society. After independence the tendency was to give a communal or regional twist to our history. I was strongly of the opinion that history should be written from a national point of view, because the study of history would influence the minds

of students, and would affect their attitude and approach to the surroundings in which they lived. I, therefore, set up a small committee to prepare text-books in Indian history. The original version was to be in English, and then the books were to be translated into Hindi and regional languages. Indian history was to be divided into three periods, ancient, medieval and modern.

Miss Thappar, who was lecturer in history at Delhi University, was entrusted with the task of writing the first two volumes. She did her work, as I thought, very brilliantly, as she not only had a historical sense, but what is even more important, a deep knowledge and also appreciation of our national evolution and traditions. She was a rationalist, and had a modern outlook, and did not suffer from the prejudices and inhibitions which historians so often display.

The study of history, and particularly modern history, was further stimulated by the establishment of the Nehru Museum and Library. After Nehru's death I arranged that a portion of Teen Murti House, where he lived, should be preserved in the same condition as it was when he drew his last breath. I wanted thousands and millions of people from all over India to come and visit this house as a national shrine. President Radhakrishnan in an impressive ceremony dedicated the Teen Murti House for the furtherance of this purpose.

But I was not satisfied that the memorial to Nehru should be no more than a mere museum which in a sense is something dead and static. I wanted his ideas and ideals to be kept alive, to be subjected to review and criticism, to be developed and adapted to changing circumstances. We, therefore, set up a Nehru Library in the same house. It dealt with the progress of modern India beginning with Raja Rammohan Roy and carried the story down to the death of Nehru. All available books dealing with this period were collected. Tape-recordings of people, who had met and talked to Nehru, were also secured, and scholarships were given to encourage students to write books or theses on this period. We had to work from scratch, and if the project was to succeed, we had to have a Director who was not merely a good

administrator but also a scholar with a historical sense and a sense of mission.

I gave considerable thought to this appointment, and ultimately chose Mr. Nanda who was then in the Railway Ministry. I had never known Nanda nor met him, but had read two or three of his books dealing with the Nehrus, and I was impressed both with the style and the content. He seemed to know the Nehru period well, and understood what Nehruism meant. I, therefore, requested him to give up the Railway Ministry where he was wasting his undoubted talents, and take up something which would be much nearer his heart. He willingly acceded to my request, and became the first Director of this Museum and Library, and is still holding the post as I write these words. I was glad to find that this appointment was an unqualified success, because I had set my heart on making this institution something worthy of Jawaharlal Nehru. Thousands come everyday to see this Museum. Special exhibitions are organised to illustrate and illuminate a particular period or a particular historical event, and then naturally, the attendance is much larger. Education through the eyes is much more effective and much more permanent than education through the ears, and when thousands come and see how their great leader worked and lived, and also see in photographic display important national events, they go away with a more lasting impression than if they had attended a school and read about all this in a badly written text-book.

I was also keen that the study of foreign languages other than English should be developed. Many of our students went to Russia, France, Germany and other European countries, and they were admitted to the universities without any proper knowledge of the language of the country concerned. The result was that they had to waste much precious time and foreign exchange in first getting acquainted with the languages before they could pursue their studies. I, therefore, made a start with the establishment of an institution for the study of Russian, which we called the Institute of Russian Studies. Initially the object was intensive teaching in Russian for one year to students who wanted to go to Russia for studies, and also to such members of the staff of our External Affairs Ministry as were anxious to learn that

language for one reason or another. We got teachers from Russia, and we also employed some Indians who knew Russian. Ultimately, we wanted the Institution to be run largely by Indians with adequate knowledge of the Russian language. As the results showed, the Institute has flourished. I wanted similar institutes to be set up for the study of French and Spanish on a priority basis, and then to proceed to other languages.

In the matter of science and technology, I thought that our first effort should be to introduce the study of science at the earliest stage in our school education. We had a report drawn up by educational experts from Russia and U.S.A., which advocated the teaching of science from the primary school stage, so that the child could have a good start in the study of science. We accepted the advice of these experts, and wanted the States to go ahead. And we were prepared to give the necessary financial assistance to carry out this project. Of course, the difficulties were immense. We had to train science teachers and we had to have a sort of laboratory, however primitive, in every school. We, therefore, undertook without delay the work of training science teachers and tried to fabricate simple instruments and implements which may be necessary for science education in primary schools.

The Ministry had under it several national laboratories for experimenting, and for carrying on research in various sciences. These laboratories were controlled and supervised by the Council of Scientific and Industrial Research. Dr. Zahir was the Director-General at the time. He was a man of great initiative and drive. But, unfortunately, he was often tactless in his conduct, rubbed people the wrong way, and was not above favouring those Directors, who, he thought, would carry out his policy which he was sure would improve the standards of work in the laboratories of which they were in charge. It must be admitted that discrimination was not actuated by any personal considerations, but by what he thought the interest of science demanded. This was resented by other Directors who were not in favour; and a strong lobby was built up in Parliament the purpose of which was to condemn him in season and out of season. Much of my time in Parliament, and particularly in the Rajya Sabha, was taken up in defending Dr. Zahir.

I might mention here that I was a confirmed believer in the principle of ministerial responsibility. The Minister should never take shelter behind the officials who had advised him, or what is worse, throw them to the wolves, when Parliament was out for their blood. The Minister is responsible for every action taken by his subordinates. He should either dismiss them if he found that their action was indefensible, or take the responsibility for the action upon himself, and face the criticism in Parliament. Throughout my career as a Minister I never permitted any of the officials in the Ministry to be attacked. I always told Parliament: "Attack me, I am responsible. If you think I did wrong, censure me, and I would accept the censure." It is unfortunate that the habit is growing in Parliament to pick out individual officials and criticise them. This has the effect of demoralising the Services, and preventing them from tendering proper advice to the Minister. This is a matter in which some control of the trend of discussion is called for. It is a parliamentary convention that you do not attack anyone who is not there to defend himself.

I consider that the main purpose of our laboratories is to help the country towards industrial development and to make it self-sufficient in production and in technical know-how. Technology is what they are concerned with, and research in specific problems referred to them by industry. Basic science should, by and large, be left to be studied at the universities. Of course, no laboratory can function without some work in basic sciences, but this should be looked upon as a secondary function of the laboratories and not their primary function. We were agreed that research should be on project basis, with specific objectives and time targets. It was, as I have said, necessary that there should be close collaboration between industries and the laboratories. The industries should go to the laboratories for a solution to their specific difficulties. The industries should tell the laboratories what was required so that their needs could be satisfied at home rather than by import from abroad. We had a very enlightening conference in Delhi of industrialists and scientists for the purpose of working out the details of this collaboration. We also established institutes like the Central Leather Institute in the south which was financed partly by the Ministry and partly

by the industry. Where necessary, we were in favour of each industry organising its own research for catering to its own special needs and help the country to become industrially and economically self-sufficient. In the West we find that each unit has its individual research facilities. Research and development go together.

Another subject that came within my purview was culture. We had an Indian Council of Culture with an able Secretary, Rahman, whose main function was, to use a hackneyed expression, to project the true image of India abroad and to foster cultural relations between India and foreign countries. Part of the Council's duty was to arrange visits by eminent scholars, writers, artists from abroad. Seminars and Conferences were organised where matters of mutual cultural interest were discussed and relations particularly between India and the countries of the Afro-Asian world were developed and strengthened. The Council also published books dealing with India's cultural legacy. It also negotiated and implemented cultural agreements between India and foreign countries. The agreements were normally for two years. A programme was drawn up containing the details of the cultural exchanges that were to take place during these two years. In my time an important agreement of this kind was drawn up with France and negotiated when I was in Paris for the UNESCO Conference.

In memory of Jawaharlal Nehru we established what was called the Nehru Award, given for work done to promote international understanding. This was to be administered on the lines of the Nobel Prize. Nominations were received from all over the world, and a jury of eminent persons in India decided, after considering the nominations, who was most suitable to receive the award in the particular year. The person so chosen had to deliver a lecture on a subject of his choice, for which he received an honorarium. This was a difficult and elaborate process, but it was very successfully managed by Rahman as Secretary of the Indian Council of Culture. I was happy when I found that the first person selected to receive this Award was the Secretary-General of the United Nations, U. Thant, who had rendered yeoman service to the cause

of international understanding through his fine work in the body whose destinies he guided for a long time.

I had also the subject of Sports in my portfolio and I appointed General Cariappa to be the Chairman of the All India Sports Council. To this Council were affiliated Sports Associations in all the States. Unfortunately, there was lot of politics even in sports, but Cariappa, who was a stern disciplinarian, managed to see that things worked smoothly and efficiently. I had planned for the setting up of a Sports Village in Delhi in which at some time in the future we would be able to hold the Olympics, if the choice fell on India for staging the games.

There were three important pieces of legislation during the time I was Minister, which I had to handle. The first was the Banares Hindu University Bill. This was referred to a Select Committee, and we spent hours shaping a Bill which would satisfy the twin objects of good university administration and participation of students in university activities. One of the most controversial questions was the name of the University. I pleaded for the deletion of the word 'Hindu' from the name of the university. I thought that it incorrectly described the complexion of the university, which was not communal. I promised Parliament that if the name was changed, I would make a corresponding alteration with regard to the Aligarh Muslim University by deleting the word 'Muslim' from its name. In the Select Committee we failed narrowly to carry our point. The Bill came to the Rajya Sabha and the House agreed with my view, and refused to accept the recommendation of the Select Committee. It then passed the Bill giving to the University a name which in effect amounted to a tribute to Pandit Madan Mohan Malaviya for his great service in promoting the cause of the university. When the Bill went to the Lok Sabha, a strong lobby had been built up in favour of retaining the old name. There was also a violent agitation in Banares, and the debate on the Bill had to be postponed. Ultimately, the Bill was passed by the Lok Sabha retaining the old name, and the Rajya Sabha too accepted the amendment passed by the Lok Sabha, although this happened only after a heated and acrimonious debate. Throughout the proceedings in Parliament I took the position that, although my personal views were

clear and unambiguous, I would leave the matter to the free vote of Parliament. It seems to me that when an issue arises which arouses strong feelings and touches deep sentiments, it is unwise to decide the issue by a brute majority, the ruling party itself being forced to vote in accordance with the whip issued. The issue should be left to be decided by a vote which really reflects the true opinion of Parliament.

The second major enactment I had to deal with was the Jawaharlal Nehru University Bill. I had once told Nehru that if I had his approval, I would establish another university in Delhi. I explained that Delhi was growing and one university was not adequate for its student population. Nehru agreed. I then mentioned with some hesitation a more delicate point. I said: "Panditji, I would like to name this university after you. You have been the Prime Minister of this country since its independence, and you have ruled over our destinies from this city". Nehru flared up: "You know my views about raising memorials to living persons. This is entirely wrong. No statues should be raised to living persons and no institutions should be named after them." I persisted that the only appropriate name for the university was Nehru University. He refused to give way, and reminded me that there were several names to choose from. Delhi had been called differently at different times in its history, and I could select one of these names. He suggested "Raisina" as a possibility; it is a very fine sounding name. I, however, dropped the matter for the time being. It was only after Nehru's death that the Bill came before Parliament, and according to the Bill the university we were going to establish was to bear his name. I was violently attacked in the Rajya Sabha by Dahyabhai Patel, the leader of the Swatantra Party, for spreading the personality cult. In answering the charge I mentioned the talk I had with Nehru on the subject. The House was satisfied that Nehru was never guilty of trying to encourage a personality cult around himself.

I did not want the Nehru University to be constituted on conventional lines. I had studied the structure of the new universities set up in England, and I had also discussed the subject with some of the vice-chancellors. I was keen that this university should be a modern university, that the students should not be tied down

only to the subjects in which they were specialising, and that there should be inter-disciplinary facilities. Students should study subjects which had a bearing on one another, and the various disciplines should not function in water-tight compartments. The university should also be international in its outlook, and carry on intensive research in, and teach those subjects which were closest to Nehru's heart, and to which he devoted and dedicated himself throughout his life,—subjects like democracy, secularism, international understanding. We bought a large campus for the university. But there was no further progress when I left the Ministry. I must however describe the circumstances in which G. Parthasarathy came to be appointed Vice-Chancellor.

Some time after I left the Government I was invited to dinner by Dr. Karan Singh, the Minister of Tourism. Prime Minister Indira Gandhi was also there. After dinner she came and sat by my side, and we started chatting about nothing in particular. Suddenly I asked her: "Have you as yet thought of someone for the post of Vice-Chancellor of the Nehru University, for the founding of which I worked so hard?" She asked me in return whether I had anyone in mind. On the spur of the moment I said, "Why not Parthasarathy? He has just returned from the United Nations, and I think he will do very well." She immediately agreed, but asked me whether Parthasarathy would accept the appointment if requested to do so. As it happened, he was present at the dinner, and was at the moment standing in a corner talking to someone. I remarked to the Prime Minister that it was my habit to take decisions quickly. Where the instinct is sound, decisions taken quickly turn out to be good decisions. I left her, pulled away Parthasarathy from the person he was talking to, took him aside and asked him whether he would accept the Vice-Chancellorship if it was offered. Without a moment's hesitation, he said, "Yes". I went back to Indira, and told her about Parthasarathy's reaction. And the appointment of the first Vice-Chancellor of Nehru University followed as a matter of course.

I may, in passing, say a word about Parthasarathy here. He was an extremely able administrator, and in diplomacy he was as though to the manner born. He worked with me in New York

when I went there as External Affairs Minister during one of the West Asia crises. He was on the best of terms with the whole diplomatic corps, and he was a friend and confidant of the Secretary-General, U Thant. Relations between U Thant and Parthasarathy were most intimate and on many matters U Thant consulted him and took his advice.

The appointment was criticised in some quarters on the ground that Parthasarathy was not an academician. This was legitimate criticism, but the critics forgot that what was needed by the University in the first instance was a good administrator. The University had to be built from scratch, not a stone had yet been laid in the edifice of the University. The Vice-Chancellor had to design and put up the buildings, set up faculties, staff the faculties with the right people, and so on. Looking round the country, I was convinced that there was no one who was better suited for the post. I think my confidence in Parthasarathy has been justified because he has turned out to be a very able Vice-Chancellor.

Then there was the Delhi Schools Bill, which was not so important compared to the other two measures I have referred to, but of great importance to the city of Delhi itself. It dealt with the management of private schools, with the specific purpose of removing various abuses that had crept into the administration of these schools. As in the case of the Banares University Bill, I spent hours with the Select Committee, dealing with the various suggestions and amendments proposed by members. I have to say that my experience of these three Select Committees was most gratifying. In most cases, I succeeded in bringing about a consensus when the Committee seemed divided. The discussions were friendly and constructive.

By a curious coincidence it did ultimately fall to my lot to pilot both the Banares University Bill and the Nehru University Bill through Parliament, although then I had ceased to be Education Minister, and was Minister for External Affairs. Fakhruddin Ali Ahmed was temporarily holding the portfolio of Education, and it would have been for him, to see to the passage of the bills. But he was indisposed, and he asked me whether I would

do him the favour of attending to these two measures as I had studied them and was interested in their fate. I told him nothing would give me greater satisfaction because this meant a chance to complete a task in the discharge of which I had worked so long and so hard. Thus it came about that the imprimatur of Parliament was put upon these two University Bills.

Student unrest and violence had erupted from time to time, but it assumed very serious proportions in September-October 1966, towards the end of my stewardship of education. In several universities there were strikes, agitations, violence, firing, all indicating that discipline had completely broken down in these centres of learning. When things were at their worst, and when G. L. Nanda, the Home Minister, was under constant attack, and the Cabinet met almost every day, I was unfortunately lying seriously ill in a hospital in Bombay. When I returned to Delhi, I voiced my own opinions on this thorny and controversial subject. I suggested that the problem of student unrest in the country was not a law and order problem. If anyone thought so, it would be an oversimplification. Outbreaks of indiscipline and disorder occurred in various sections of society, and students were afflicted with the same virus as they too are part of that society. Students were basically patriotic. They had in them idealism, dynamism, capacity for leadership. It was unfortunate that these precious qualities had not been channelled in the right direction, but had been diverted towards destructive ways and unproductive actions.

I then enumerated the causes that led to student agitations as I saw them. The standards in higher education were falling. There had been a tremendous expansion of colleges and universities. The ratio between the teachers and students was such that very often the students attending colleges and universities had no chance to meet or talk to a single teacher. There was over-crowding in colleges. Even the ordinary amenities of life were lacking.

There were also causes of a different kind. Vice-Chancellors were often appointed on political grounds, and they failed to inspire the respect that students should normally have for a person who is supposed to be the leader of academic life in the university. Another problem which was perhaps even more

serious was non-utilisation of leisure. The traditional way of life was breaking down, and there was a sense of insecurity and uncertainty about the new society. I urged that the student problem should be considered from two aspects: the student as a part of the academic world, and the student as a citizen. It was necessary to emphasise that the sanctity of the university campus must be respected and the vice-chancellors must be recognised as being responsible for discipline in the universities. If the police had to be sent for, if the State's assistance was to be requisitioned, it should always be at the instance of the vice-chancellor. There should be a continuous dialogue between the vice-chancellor and the students.

I cited an instance in which a student had made a representation to the vice-chancellor and wanted an interview. Six months had elapsed, and still the boy had not got an appointment. I said that I knew that some Ministers were not accessible, but I was shocked to learn that a vice-chancellor should not be accessible to students. I argued that we were not running a bureaucracy in the university. The administration of a university should be flexible; it should be humane. It should appreciate the problem. The administration is intended to solve difficulties and not to ride roughshod over students' susceptibilities merely because there are rules and orders that come in the way of taking a rational and sympathetic view of the case. There must be more contacts between teachers and parents. Teachers should find out from parents from time to time what the boys thought and felt about their university. It was necessary to have a Student Council, on which both students and the staff were represented.

I pointed out to what extent politics had contaminated the atmosphere of our universities. Political pressure was brought to bear on selection committees at the time of the selection of professors, etc., and students knew when a first-class person had been passed over, and somebody of second grade had been appointed. Every such instance was commented upon, and the students held up their hands in horror at what was happening in the university. The student was also a citizen and if he broke the law, he must pay the penalty for it. The police must show restraint when they have to handle student demonstrations. They must realise that

they are dealing with young people at school or college and not with *goondas*.

About the closing of the universities, I said that it was for the vice-chancellor to decide whether a situation had arisen which warranted such closure. It was not for the State Government to decide. It was absolutely necessary that the autonomy of the university should be preserved. As regards politics, it was my belief that neither teachers nor students should participate in active politics. Teachers should organise seminars, study circles, and discuss with students political problems. But active participation by students or teachers in politics should be ruled out.

Some student grievances were genuine; some were not. The curriculum needed modernization and the examination system had to be reformed. If students had to pursue a curriculum which to them had no meaning, pass an examination in the trust-worthiness of which they had no faith, and then if at the end of it all there were no jobs, what else might one expect but unrest and revolt in the student world? The roots of the malaise probably go even deeper. The students have a vague impression that the society in which they live is riddled with corruption, cynicism, self-seeking. Whether right or wrong, this has a debasing effect. Most of them see no direct relationship between classroom proficiency and material success in life or personal happiness.

An incident at the Aligarh University which created a furore all over the country and was also debated in Parliament in a tense atmosphere deserves mention. When I took office, Badruddin Tyabji was the Vice-Chancellor. He was a senior I.C.S. officer of undoubted ability, who had earned a reputation for himself in the External Affairs Ministry. He, unfortunately, was too impersonal and perhaps too rigid to make the necessary contacts with students. Administration, pure and simple, is not the only thing that a university needs. The office also calls for understanding and sympathy of the problems facing students on the part of those who are in charge of the administration. Aligarh harboured a section of students who were bitterly communal and fanatical. On the other hand, there was also a section which was ultra-radical. There was eternal conflict between these two

sections, and because of this conflict the large majority of students who were not interested in politics or ideology and were keen to carry on their studies, suffered badly.

I came to the conclusion that Aligarh University needed a change in its leadership and also in the atmosphere prevalent there. This could only be brought about if I got a Vice-Chancellor who was forward-looking, flexible, and who knew how to handle not only affairs but also people. I immediately thought of Nawab Ali Yavar Jung, who was our Ambassador in Paris. He was my colleague in the U.N.O. Delegation in 1946, and I had just then met him in Paris when I went there for the UNESCO Conference. He was a staunch nationalist, a man of progressive views—in fact a radical in his thoughts and ideas. I invited him to accept the post and he willingly agreed. This appointment was not acceptable to the bigots and the communalists in the student community, and also as it seemed to me to those who represented this section in the Court and the Executive Council of the University.

Soon after his appointment the new Vice-Chancellor suggested certain changes in the rules of admission. Making this a pretext an agitation was almost immediately set on foot by those who were opposed to the Vice-Chancellor. Once started the agitation did not remain peaceful. As a matter of fact, it ended up in an attempt to assassinate the Vice-Chancellor to the horror of everyone. The students marched with a coffin to the office where the Vice-Chancellor was holding a meeting of the Court, broke into the meeting hall and assaulted him so seriously that no one could have doubts that the intention was to kill him. And they nearly succeeded in their nefarious mission. Ali Yavar Jung, however, had a miraculous escape. I was satisfied that the students alone were not responsible for this heinous plot. There were others hiding in the background. Some members of the Court obviously sympathised with the students, and instead of going to the rescue of the Vice-Chancellor, they looked the other way. I thought drastic measures were called for, and it was impossible for the Vice-Chancellor to function in the existing set-up of the University. I, therefore, got the Cabinet's approval to the promulgation of an Ordinance, by which the existing Executive Council and the Court were dissolved and the Government were empowered

to set up a nominated Executive Council and Court. I took pains to see that the persons nominated were sympathetic to the Vice-Chancellor, and held similar views with regard to the policy to be adopted in running the University.

A raging and tearing campaign was started in the country by fanatical elements everywhere. I was charged with being a dictator and interfering with the rights of autonomy of the University. The demand was made that the administration should be left to the Muslim community which had a unique interest in its well-being and that the Ordinance should be revoked. I reminded the agitators quietly but firmly that the Aligarh University was not a minority institution as defined in the Constitution; that it was neither established nor maintained by the Muslim community; that it was a national institution in which the whole nation was interested; and that though undoubtedly it had a special purpose to serve, namely, the advance of Arabic and Islamic studies, that did not change its essential character, because even non-Muslims might have an interest in such studies.

During the agitation I received hundreds of letters threatening me with assassination. Meetings were held to denounce me. A body called *Majlis-i-Musharvarat* was established, to defend the cause as the organisers saw it of the autonomy of the university. It convened many meetings where fiery speeches were delivered inflaming communal passions. An Aligarh Old Boys' Convention was called at Lucknow which was inaugurated by Dr. Syed Mahmood, a Bihar politician, and a Congressman of old days. Mr. Nurie, who years ago had been a Minister in a Bombay Ministry, and had gone into retirement, emerged for the specific purpose of attacking me, and presided over the Convention. He suggested a programme of action which he probably knew in advance would only remain on paper. Having performed a noble and public-spirited duty he again went back into retirement, and has not been heard of again.

In the whole of this controversy, what was most painful as well as revealing was the spectacle of the so-called "Nationalist Muslims" of the old days appearing in their true colours. I had always thought that the Congress in its anxiety to appease the

minorities had supported many Muslims who were really communal at heart, and set them up as nationalist leaders before an unsuspecting public. In a sense I was glad that these so-called "Nationalist Muslims," had been fully exposed during this controversy. They had shed the nationalist garb, which they wore for the sole purpose of finding favour with the Congress, and were now appearing in their true communal clothes. I must say that during these difficult times I was greatly heartened by the strong support given to me by both Houses of Parliament. I made it clear that the Ordinance was intended to eliminate a small, fanatic, obscurantist and reactionary section in the university, that it only dealt with the administrative set-up, that the Academic Council had not been affected, that the sections of the current Act dealing with the name, character and powers of the university had been left untouched, and that the University's initiative in formulating and implementing its academic policies had remained unaffected.

I must not overlook the other side of the picture. Twenty-two members of the Academic Council of the Aligarh University consisting of distinguished academicians issued a statement condemning the agitation as being fomented by misguided people, and emphasised the fact that a deliberate attempt was being made to gloss over the events which culminated in the attempted assassination of the Vice-Chancellor with the express purpose of preventing the public from focusing its attention on the serious issues arising from this incident. They warned that the agitation would not only jeopardise the basic interests of the university but also impair the cause of national integration. They rightly pointed out that the Ordinance had not in any way changed the character or the academic life of the University.

The Vice-Chancellor was laid up in a hospital in Delhi for many days, and was treated for injuries which he had suffered in the assault on him at Aligarh. I went to see him and prevailed upon him to resume his duties after he had fully recovered, and to his eternal credit he did resume. I described his decision at the time as an act of faith and of courage. After he took charge of his office he wrote to me a letter in which he defined the true character of the university. The Aligarh University "is intended

to be a university which must maintain and promote high academic standards. As an all-India university it must be open to all, and attract all-India talents, and at the same time remain designated Muslim University in the sense that it specialises in subjects connected with Muslim culture, and is expected to have due regard to the claims of deserving Muslim students." In my reply, I said I agreed broadly with the Vice-Chancellor's enunciation of the functions which the university was intended to discharge, and I also assured him that there was not the slightest intention on the part of the Government to change the essential and basic character of the university.

The Bill to replace the Ordinance came before the Lok Sabha on August 27, 1965. The atmosphere was heated and surcharged with emotion, and objection was immediately taken that the Bill went against the fundamental rights granted to religious and linguistic minorities in the Constitution—the right to start and administer institutions for their special benefit. The Speaker rightly refused to give a ruling, saying that the constitutionality or otherwise of an Act of Parliament should be decided by the Court. I may mention here that the Supreme Court ultimately decided the point, and upheld my view that Aligarh University was not a minority institution which attracted the guarantee of the Constitution. In the course of the debate I argued that Aligarh University was an institution of national importance, and it was a symbol of Muslim culture but only in the context of secular India. "It is not a theological convent but a national university".

After the Bill was passed by the Lok Sabha it came before the Rajya Sabha on September 2, 1965. There also the debate was marred by repeated and noisy interruptions and points of order. I disclosed that I had received a letter from Dr. Syed Mahmood, asking me to consider the repercussions the Ordinance would have in Pakistan. My reply to his letter was that I was not worried about the reaction the measure would have in Pakistan which was always hostile to India—irrespective of Indian policy. I also read out a letter from the Vice-Chancellor which said, "it is largely due to the Ordinance that we have been able in spite of obstacles to reopen the university under conditions of comparative calm", and I remarked: "This is a certificate from the man on the spot,

a certificate both in regard to the necessity of the Ordinance, and what the Ordinance has achieved". I confessed that I would not mind if I was abused or vilified but it was distressing to hear the charge that I was out to destroy the Aligarh University. "Did I organise the murderous attack on the Vice-Chancellor? Did I foresee that the Vice-Chancellor would be treated in this way?" I said that I was in my sick bed when I received the news of the assault. "Nothing has pained me more than to have taken this step. I believe in autonomy and democracy, but I was helpless." The Bill was also passed by the Rajya Sabha and became law. I had given the assurance on the floor of the house that I would soon introduce a Bill on the lines of the Banares Hindu University Act which would replace the Ordinance and reorganise the university on a permanent footing. I started working on the Bill, but as I had to leave the Ministry, it was left to other hands to complete the task; and I am sorry to have to say that it was only in 1972 that the Aligarh University Act was passed into law.

There is a curious aftermath to the story I have just related. While I was writing this book, three or four boys from the Aligarh University once came to see me. The delegation was headed by the President of the Students' Union, a very clever person with a very attractive personality. He had brought a pamphlet which was being circulated to members of Parliament and others. He gave me a copy, and drew my attention to a passage which contained a quotation from my speech on the Aligarh University Bill in Parliament. It referred to the assurance I had given about the early passing of a proper Aligarh University Act. They told me that this assurance had not been carried out, that the University still functioned under a nominated Court and Executive Council. I said that I sympathised with their grievances and agreed with them that the Government could be blamed for not carrying out the assurance given. The pamphlet, however, also contained a demand that the Aligarh University should be made a minority institution, and the necessary law should be passed to that effect; and if it was found necessary, the Constitution should be amended for the purpose. I told them that I was wholly and totally opposed to this concept of the Aligarh University. At this, the President of the Union smiled and said, "Sir, do you know

that you are the most hated man in Aligarh?" And I replied, also with a smile, "I know that, but I hope that the hatred is confined only to a small section of the student community". I added that I hoped that a day would come when the Aligarh University in particular and the Muslim community in India in general would realise that the stand I had taken was in the best interest of both. He then asked me whether I would come and address a meeting of the students at Aligarh. I declined the invitation, saying that though I was not very much attached to life, I would like to die, if possible, a natural death!

I led the Indian Delegation to the Session of UNESCO held in October, 1965. Addressing the General Conference I said: "UNESCO should appeal to the mind and the spirit of man. In the history of mankind—a varied and chequered history, full of resplendent chapters and also dark and gruesome episodes—the most outstanding phenomenon has been the triumph of the human spirit over innumerable obstacles... The faith and credo of UNESCO should be that every individual is unique, that every individual has his own integrity, dignity, value and worth, and it is only through the development of the individual personality that the progress of society can be measured and the supremacy of the spirit established. The human spirit cannot flourish under regimentation or in an atmosphere of slavery and servility or in conditions in which race or colour is discriminated against.... With regard to the human mind, although it happens to be a complex and intricate piece of mechanism, it is capable of adaptation. Great achievements, amazing scientific discoveries and cruel and horrible deeds are all conceived by and emanate from the human mind. Therefore, the primary objectives of UNESCO should be to cultivate the human mind, remove from it all thoughts of war, and impregnate it with the ideas of peace and international understanding." I said that we were about to start on the development decade, and UNESCO should play its part in making this decade a worthy chapter in the history of human development. The most formidable cause of conflict was not so much the ideological differences between the countries and peoples as the imbalance in economic and industrial development between nations.

I made the following suggestions about UNESCO's possible contribution: (1) A massive programme for the eradication of illiteracy; (2) a large and comprehensive plan of teacher training; (3) helping the under-developed countries in the organisation of the teaching of science in schools; (4) serving as a clearing-house for scientific research all over the world; (5) the setting up of an international institute to discover and promote new techniques and new tools of education; and (6) the establishment of an international institute for correspondence courses. "I think the primary duty of UNESCO is to reiterate and re-emphasise the fact that education is first and foremost a human right. And although it is a pre-requisite for economic and industrial growth, it is the importance of education in any movement for the achievement of peace and international goodwill that UNESCO should constantly bear in mind. Education, in the best sense of the word, should teach how to live. This is the individual aspect of education. But true education should also teach how people of different races, colours and communities should learn to live together. This is the international aspect of education."

When I went to UNESCO I found that the Asian and African countries were at cross-purposes and sometimes at loggerheads, and that they did not realise what influence they could wield if they showed a united front. I, therefore, took the necessary steps to organise an Afro-Asian Group, and the Group was good enough to elect me its Chairman. The whole atmosphere at UNESCO was transformed by this single development. Backed by some other countries, we found that we had sufficient votes to carry almost every proposal which we put forward. For instance, the representation of African and Asian countries on the Executive Board was increased, and our own representative, Kirpal, who was my Executive Secretary, obtained a larger number of votes in the election to the Board than even the representatives of the U.S.A. and U.S.S.R. Kirpal's success was very popular, and he served on the Board with great distinction during his term as member.

While I was there, I met Malraux, the Minister for Culture in the De Gaulle Ministry. I was familiar with his writing. He had come to see me when I was Education Minister on his return from

China. He had a vast knowledge of the arts, both ancient and modern, and of the arts of different countries and different civilizations, and had written a fascinating book *Museum Without Walls*. When I read it, I was tremendously impressed by the learning and critical sense and appreciation displayed by the author. I thought that even a life time was not sufficient to acquire knowledge which was so deep and so wide-ranging. Malraux has also written a novel about the Chinese Revolution called *Of Man's Estate*. To me, it is one of the finest novels written in modern times. It describes scenes from the Chinese revolutionary war; Malraux could handle this as he was in China during that period. It takes a pessimistic view of human destiny and emphasises the futility of human existence. Malraux is a great admirer of Chinese culture and a sympathiser of Chinese political and social programmes and also a personal friend of Mao. During my talks with him in Delhi, he said that he was convinced that China had no designs on India, and that we should try and bring about a rapprochement between our two countries.

When I saw Malraux in Paris he was busy giving "a new look to the city". I light-heartedly reminded him of his novel, and asked him whether he still held the same view about man's estate and about human destiny. He replied: "As administrator of culture, I have to be optimistic and work for the future of mankind; and, therefore, my philosopy as administrator has to be more optimistic." He suffers from a nervous twitch of the mouth, and he told me that I should forgive him if he went on talking all the time as the twitch stopped only when he was talking; at other times, it came on. Malraux is a compulsive talker. Fortunately, one can always listen to him without tiring. One learns a lot by letting him talk.

Malraux is a great admirer of Napoleon. When we went together to Malmaison, he pointed to a tree and said that at night when Napoleon was in this house he would sometimes look at this tree, and also at a star that was always above it, and say, "This is my star of destiny" The story goes that after Waterloo, when he had surrendered, he went to Malmaison for a few days. He looked at the tree but the star was no longer there. His destiny had run its course, the days of his glory were over.

While I was in Paris, our Ambassador there, Ali Yavar Jung, invited Malraux and me and one or two other persons to a very small restaurant in Paris. The dining room was very tiny, and one almost touched the roof if one stood up. I did not understand why Ali Yavar Jung had made this choice. Then he told me that this was the restaurant where Napoleon used to lunch when he was still an unknown corporal, and he felt that Malraux would love to be at a place where his hero went to lunch in his younger days. Malraux had just been bereaved by the death of his two sons who had died in a car accident, and I admired his extraordinary calm and fortitude as I remembered that within him there was terrible suffering. Perhaps he had suddenly become the philosopher that he was when he wrote his book *Of Man's Estate*. Consolations which are open to writers are not always open to ordinary people

I also led the Indian Delegation to the Commonwealth Education Conference, which was held in Ottawa at the time. The earlier conference had been held in Delhi, and I heard nothing but praise for the way that conference had been organised. I was told that the minutes of the proceedings and the resolutions passed during the day were printed overnight; and next morning they were on the table before each delegate. I must say that although in the matter of day-to-day affairs our administrative machinery has run down badly and is creaking in many parts, as far as protocol and the organisation of international conferences are concerned we can justifiably claim to be as good as any other country.

Addressing the opening session of the conference, I pleaded for a concerted drive to eliminate illiteracy throughout the Commonwealth. I said: "The main purpose of this conference is to devise ways and means by which those Commonwealth countries with educational and technical resources could place them at the disposal of those who are still climbing the ladder so as to lead to a society which is modern and progressive, and contains within itself the necessary strength and energy for development to satisfy the means for a full, rich and happy life."

At this conference we laid greater emphasis on secondary education than on university education; and among other important subjects discussed were technical training and technological and

vocational education. It was realised that the students at the secondary stage should be given such education that they could as a matter of course go on to technical and vocational schools and busy themselves in diversified activities. It was felt that this would ease the pressure on the universities. Secondary education, which is the linchpin of the educational system and so important in its consequences to the life of the community, is a relatively neglected area in comparison with primary or higher education. Commonwealth scholarships were also discussed, and we offered to give scholarships to African students to help them to come to India and have their training in our universities. This proposal had a political implication in that it would help to bring India and the African countries much closer. Sir Edward Boyle, who headed the U.K. delegation, made the novel suggestion that British university students should come to our country, study for their graduation here, and then work for a year in this country. This scheme was called "Study Service Scheme". The conference had not only brought the participating countries nearer and shown their relationship in a new light but had given the Commonwealth a new meaning. The success of the conference had also high-lighted the fact that inter-dependence of Commonwealth countries in the field of education was stronger than was supposed.

My first visit to the U.S.S.R. was a most useful and revealing one. From a country which believed in free society, I was going to a country which believed in strict regimentation. One could feel the difference in the atmosphere and in the air which one breathed. But two of the biggest successes of the Soviet Union, to my mind, were education and science. The Education Minister of U.S.S.R. was a reputed scientist and my relations with him became most cordial. He took me round and showed me all the science organisations, and told me how scientific education had been built up and the importance attached to science and technology by their Government. Undoubtedly, Russia had made greater strides in science than in any other field: Russia was meeting fully the challenges of the technological age, and everything else was put in the second place as compared to the necessity of solving the problems of a technological age.

I was not very much impressed by Moscow, which seemed a grey and drab city, and the Kremlin looked dark and threatening. But I was enchanted by Leningrad with its beautiful statue of Peter the Great, pointing to the sea. In Leningrad, you feel you are in a European city, which feeling you do not have in Moscow. Leningrad remains in my memory, because I was given an honorary degree of Doctor of Laws at the Leningrad University. And in my speech thanking the University for the honour done to me, I recalled the fact that Lenin also had studied in this University in the Department of Law. I considered myself, therefore, to be in very distinguished company.

Another visit which I would like to record, more for its personal implications than anything else, was the one that took me to Cairo for the purpose of establishing a joint Indo-U.A.R. scientific council which was expected to pool scientific knowledge for the common benefit of the two countries. They organised a trip to the Pyramids and I went with the members of our delegation. One could climb one of the smaller Pyramids to see the Sacrophagus, which was to be found at the top. The members of the delegation expressed a desire to see it, and as the leader, I thought, very unwisely, that it was my duty to accompany my colleagues. The climb was steep, the path narrow and dark, and I was terribly tired. But very foolishly I persisted till I reached the famous Sacrophagus. And all that we saw for the trouble was an empty Sacrophagus very similar to the many that one could see in the British Museum. But at that time I did not fully realise what had happened to me. When I returned to Bombay, I was feeling out of sorts, and my children insisted on my being examined by a doctor. I saw a doctor. After examining me, he said that I had suffered a heart attack, and I must immediately go into hospital. As Parliament was in session at the time, I refused to take his advice. I said I was flying to Delhi the next day. The doctor warned me that this would be suicidal. But with my usual obstinacy I refused to change my plans. I attended the session, and then went for a check-up at the All-India Medical Council. The diagnosis of my Bombay doctor was confirmed, and I was ordered to go to bed promptly. I remained in bed for about two weeks. This Egyptian visit completely changed my

life, because before then I was a normally healthy person, and I could stand the strain of work and worry. But after the visit my health was never the same again. I suddenly felt that I was getting old, and all the inhibitions and restrictions which old age entails came into my life. A little precaution taken in time might have saved me a lot of trouble. But human nature would not be human nature without a streak of perversity in it. I have a great grievance against Egypt that after all that I had done and was to do for Indo-Egyptian friendship, Egypt should have played a scurvy trick on me.

To sum up this chapter, I think our educational policy should be framed on a long-term basis. It was precisely for this that the Education Commission was appointed. But we continue to take *ad hoc* decisions, and make hasty changes in the curriculum and in our language policy. We are uncertain as to the rôle English should play in our educational system. We create a situation in which there is complete uncertainty among the students and teachers as to which way the country is going. It is often forgotten that a mistake made in the construction of a dam or a canal can be rectified, but a mistake in educational policy may affect a whole generation with results that may prove to be catastrophic. I am glad to notice that the slogan "*English hatao*" has now become muted, and I was happy to read only recently that, for instance, the Maharashtra Government has decided to make English a compulsory subject in the university instead of an optional one. The other States are bound to follow suit. But doubts still exist in the south about the Hindi policy of the Central Government, and the sooner these doubts are removed and a unified language policy to which the whole country subscribes is adopted, the better it would be for the future of education in our country.

I cannot conclude this chapter without a few more general reflections. An Education Minister at the Centre is not in a very enviable position. He has responsibility—but relatively little power. He pays the piper, but cannot always call the tune. Education is a gigantic problem in India—whether we look at it from the point of view of the numbers involved, the sheer size of the organisation, or the innumerable intractable problems one is faced with. We know the problems; we know the answers, at any

rate most of them. In many cases, we also know how to implement. What is lacking is the moral courage to start implementation. Even the most dynamic Education Minister can do little more than nibble at the margin, get a few things started here and there, and see that the direction is right. The Kothari Commission was a land mark. For the first time we tried to look at education in an integrated way, and as a principal instrument of modernization and social change. Everything that we do now or in the future is a clearing of the decks for the kind of action suggested in one or other of the Kothari Commission recommendations. I am happy I had a hand in setting up the Commission. Finally, we will never get all the money we want for education. Fortunately there is much that we can do without money if we are serious. What is needed is dedication to a cause—and no cause is greater or nobler than that of education.

CHAPTER FOURTEEN

Kashmir

ONE morning I was sitting in my office in the Education Ministry holding a conference with some of the officials when in walked T. T. Krishnamachari unannounced. I immediately left the conference, asked T.T.K. to sit down on a sofa, and then I went and sat beside him. He informed me that the Prime Minister wanted me to go to New York to represent India in the Security Council debate on Kashmir. I was not quite prepared for this, because though I had been deeply interested in the Kashmir problem, it had no connection with my Ministry. Whatever my own private feelings may be, a request from the Prime Minister has always been to me in the nature of an order. So I told T.T.K. that I was deeply grateful to the Prime Minister for the confidence he reposed in me, and that it would be a great privilege to represent my country before the Security Council, and present our case before that body.

The debate in the Council was necessitated by a complaint brought by Pakistan, to the effect that Kashmir was in open revolt and that India was responsible for bringing about a crisis in the State by her attempt to integrate it with India.

Our position on Kashmir was clear, unambiguous and unequivocal, and I felt that it was my duty to present our case clearly and cogently so that our basic stand could be understood and appreciated, not only by the members of the Council but by the whole world. Broadly speaking, our stand was that constitu-

tionally, legally and politically, Kashmir was an integral part of India. With the signing of the Instrument of Accession, constitutionally and legally Kashmir had become a part of India as much as Maharashtra or any other State was a part of India. As a transitional measure, our Constitution had enacted that there should be special relations in certain matters between India and Kashmir which differed from the Centre-State relations in regard to other States. It was an established fact, which was admitted by Pakistan herself, that Pakistan had committed aggression in Kashmir, and therefore against India, and had illegally occupied a portion of that State. It was we, not Pakistan, that complained to the Security Council, and that body had brought about a cease-fire. Neither Pakistan nor any other country had any right to interfere with the internal affairs of India, which included its relations with Kashmir.

The promise given that we would ascertain the wishes of the people through a plebiscite no longer held good for two reasons: first, the promise was conditional upon Pakistan vacating her aggression, which she never did. Even today a part of Kashmir remains in the occupation of Pakistan. Secondly, a resolution passed in 1948 cannot be permitted in international law to hold the field indefinitely when conditions under which the resolution was passed had materially changed. Kashmir had already expressed its clear intention through three general elections, and a plebiscite had no greater sanctity than a general election held through a secret ballot where the whole adult population went to the polls. Further, a plebiscite on a narrow communal issue was bound to rouse communal frenzy and passion, and disturb the life of the State, which had remained peaceful and undisturbed.

Politically a new dimension to the problem had been added by the collusion between Pakistan and China against India. Kashmir was our life-line for the defence of our country against possible Chinese aggression in the north-west, and it would be national suicide on our part to give up that life-line. With regard to the facts, it was a bare-faced lie to say that Kashmir was in open revolt. And with regard to the question of integration, it was for India and Kashmir to determine how they should regulate their mutual

relations. The question of integration did not arise because Kashmir was integrated with India a long time ago.

Before I come to the subject of the actual debate, I should like to describe briefly the working of the Security Council. There was a time when there were heated debates in the Council when U.S.A and U.S.S.R. were arrayed against each other as a matter of course. There were two blocs inexorably opposed to each other. Resolutions were put to vote and carried or lost in mechanical fashion and the power of the veto was continuously exercised by one great power or another. Now the whole picture had altered. It was the age of consensus and the real work was done, not so much in the Council as in negotiations outside. The object was to bring about an agreement between U.S.A. and U.S.S.R., which alone would make it possible for a decision to be reached by the Security Council and a resolution to be passed. The intention was to avoid the necessity of exercising a veto. Rather than risk the use of the veto, one preferred not to decide anything unless the decision was by consensus.

Speaking of personalities, I was faced by Mr. Bhutto, then Foreign Minister of Pakistan, who is now its President. There probably never has been another case in which a man holding such an important portfolio displayed in his speeches such complete absence of a sense of responsibility as Bhutto did. He was incapable of sober, dignified speech and could indulge in mob oratory of the worst type. At Security Council meetings he ranted as though he was addressing a crowd in Hyde Park, rather than so august a body as the Security Council. He had great fluency with the language, and that, unfortunately, led him to be carried away by the flow and exuberance of his own oratory. His words very often had no relevance to the issue under debate or even to truth or admitted facts. He could be grossly rude and discourteous if it suited him, and he had no respect for the standards to be observed in a solemn debate affecting the destinies of two vast countries. He was inconsistent and thoroughly unreliable; and if cornered on any point, he would seek escape by flying off at a tangent to something wholly different or irrelevant.

Normally, outside the Council Hall delegates of different countries maintained good social relations and exchanged ordinary courtesies. But Bhutto looked upon me as a mortal enemy of his and of his country, and kept himself at a respectable distance from me. Some of the officials on my staff once suggested that I should go and shake hands with him, and exchange a few words for the sake of courtesy. I emphatically refused. I told them that I was very much senior to him in age, and it was for him to come up to me, and not for me to go to him. It was not a question of personal dignity, but dignity of my country. The result was that throughout the Security Council debate we never met and never exchanged a word. Our contact was confined, to use a well-known expression, to confrontation at the Council table. Bhutto had no fixed convictions that I could discover except a burning inflexible hatred of India. In his diplomacy he specialized in creating difficulties for India in her relations with foreign powers.

In addressing the Security Council on February 5, 1964, I said:

"Muslims are not a minority in India in the ordinary sense of the term. They constitute 50 millions of the total population of India. India is the third largest Muslim State in the world. Muslims are sons of the soil, they are Indian by race and they enjoy all the rights of citizenship. Every office is open to them, and in fact many of them hold the highest offices in the land. Our civilization is a synthesis of many diverse cultures, and the Muslim contribution is one of the most significant. Ours is a secular State and an egalitarian society, where everyone enjoys equal opportunities and the equal protection of the law. We have no official religion. Hindus, Muslims, Christians, Buddhists Sikhs, Parsis and others have full freedom of worship, and fundamental rights under the Constitution are guaranteed to every citizen. We have no first-class and second-class citizenship. Before the law everyone is equal.

"Many of our differences with Pakistan are due to the fact that there is this basic difference between our policy and that of Pakistan. While we have based our State on secularism, which means that there is no established Church and everyone is entitled to profess and practise his religion without let or hindrance from the State, Pakistan is a theocratic State. When

the leaders of the Muslim League demanded partition of the country, the demand was based on the two-nation theory. Their contention was that Hindus and Muslims were separate nations and the Muslims were entitled to have a homeland of their own. We recognize India and Pakistan as two nations, but we have repudiated the two-nation theory based on religion and it is abhorrent to us. If Hindus and Muslims constitute two separate nations, then the inevitable result must follow that the 50 million Muslims in India are aliens in their own homes. We refuse to subscribe to the theory that religion can be the sole basis of nationality. We believe in a multi-racial, multi-communal, and multi-linguistic society, and according to us, peace and goodwill in this world depend upon the success of such a society. I am sure that this sentiment will strike a sympathetic chord in the hearts of many African countries which have recently achieved independence. Most of them have populations which practise different religions. The same is the case with many West Asian countries, and in the United States itself a brave attempt is being made to consolidate and integrate its different racial groups."

I dealt with the question of accession. I repudiated the Pakistan Foreign Minister's charge that India had obtained the signature of the Ruler on the Instrument of Accession at a time when the people of Jammu and Kashmir had risen in rebellion against the Ruler, and had ousted his authority from the State. I argued that this was a complete distortion of facts. It was the tribal raiders and Pakistan nationals, aided and abetted by the Pakistan Government, who carried fire and sword into Kashmir, and compelled the Ruler to turn to India in an hour of extreme peril. And I quoted Sheikh Abdullah:

"When for the first time the people of Srinagar saw the incoming planes from India and the tanks of the Indian Army passing through the streets here, their disappointment and anguish was turned to joy and happiness. The people here, Muslims, Hindus and Sikhs, heaved a sigh of relief, knowing that their honour and dignity could now be safeguarded. We must not forget that time."

I then went on:

"Pakistan's perpetual harping on a plebiscite in Jammu and Kashmir is not an outcome of its faith in democratic principles. I should have thought that democracy, like charity, begins at home, and before Pakistan preaches to us how we should ascertain the wishes of the people of a part of our country she should first make at least a beginning in establishing democratic institutions at home. I need hardly say that since the State's existence it has never sufficiently trusted its own people to permit them to participate in a general and direct election for the creation of legislative and parliamentary bodies.

"To Pakistan everything is communal. She cannot understand how Hindus and Muslims can live peacefully in Kashmir and have best of relations. Her philosophy is that in the very nature of things Muslims must hate the Hindus and the Hindus must hate the Muslims."

I pointed out that India today was the only country which can stand up to Chinese power, expansion and aggression. If India failed, there will be nothing left by which to checkmate Chinese forward policy. I continued:

"Pakistan does not want India to be strong; she wants to weaken India, both internationally and domestically. Her recent flirtations with China are clear evidence of this fact. In this context, Kashmir assumes great importance. Pakistan has been complaining of India's changing the *status quo* with regard to Kashmir, and yet she has given away to China, in the border agreement, over 2,000 square miles of Kashmir territory. Pakistan has no right or title to it, and yet she has been generous at another country's expense. If ever there was a blatant case of change of *status quo*, such a change was made by Pakistan, not India. But, apart from the fact that legally and constitutionally Kashmir is part of India, apart from the fact that we do not subscribe to the theory that Hindus and Muslims are two nations, and that Kashmir is the symbol and guarantee of our secularism, Kashmir has now assumed vital importance because of the continuing menace of China. A mere glance at the map of India will be sufficient to illustrate this.

Then I dealt with the principles of self-determination:

"Pakistan has made great play with the idea of self-determination. She has tried to appeal to world opinion by proclaiming that her interest in Kashmir arises from the fact that the people of that State have been denied the right of self-determination. Now, in the first place, we must determine what are the connotations of the word 'self' in this expression. What is the 'self' which has the right to determine its destiny, to determine whether it would be a part of one country, or part of another country, or would be independent? It is clear that the 'self' contemplated in the enunciation of this democratic principle is not, and cannot be, a constituent part of a country. It can be operative only when one is dealing with a nation as a whole, and the context in which it can be applicable is the context of conquest or of foreign domination, or of colonial exploitation. It would lead to disastrous consequences if the expression were extended to apply to the integral part of any country or sections of its population, or to enable such integrated parts or sections of the population to secede. The principle of self-determination cannot, and must not, be applied to bring about the fragmentation of a country or its people. Let us not forget that the United States fought a bloody civil war to prevent, not a small part, but the whole of the south of the United States from seceding and constituting itself into an independent country."

I added:

"Many countries today have living in them people of different races, religions and cultures, and the future of the world depends upon the evolution of multi-racial States and nations in different parts of the world. Pakistan's thesis is a reactionary and obscurantist one. The thesis of self-determination which Pakistan advocates has been used in the recent past by colonialists and neo-colonialists for the disruption of newly-emerging States. Pakistan would have the hands of the clock set backwards, and would go back to the days when countries permitted only one religion and persecuted those who followed another faith....

"The fact is that Kashmir, since the dawn of history, has been a part of India, a repository of Indian culture and heritage. It has shared fully the vicissitudes of Indian history. It has been part of the empire of Asoka and Akbar. Srinagar, the capital of Kashmir, was founded by the great Emperor Asoka in the third century B.C. The people of Kashmir are blood of our blood and flesh of our flesh, and Jammu and Kashmir as one of the sixteen States of the Indian Union, and the people of Kashmir as Indian citizens, share in the total freedom which India enjoys."

I listened to Bhutto's reply with patience, which was often taxed to the breaking point. I remarked:

"I have listened to the statement of the Foreign Minister of Pakistan more in sorrow than in anger. One can control one's anger, but it is difficult to control one's sorrow. My sorrow is due to the fact that the representative of Pakistan should have given expression to sentiments which vilify my country and my government, which are a calumny to the record of peace and progress that it has set up since its independence. And this against a neighbour whose only desire is to live in peace and amity with the people of a country which only a few years back constituted, along with itself, the sub-continent of India!

"The whole burden of the Foreign Minister of Pakistan's song has been that the only thing which poisons relations between Pakistan and India is the Kashmir problem, and, if the Kashmir problem is not solved, relations between the two countries will not improve, and communal troubles will continue. This, to my mind, is an open threat to the Security Council. Pakistan is telling you, Mr. President, in strong, strident and threatening tones, that if the Kashmir problem is not settled, there would be bloodshed and war.

"The representative of Pakistan has repeated the slander against India that Kashmir is under India's 'colonial rule' Kashmir became part of India not as a result of conquest, nor is it a case of one race ruling over another; Kashmir has been part of India since time immemorial, and the people of Kashmir and

the rest of India are racially and ethnically the same. Even religiously, although in that part of India Muslims might be in a large majority, this majority professes the same religion as the 50 million Muslims in India. It is here that the basic difference between Pakistan and ourselves arises. The bond that Pakistan finds with the people of Kashmir, and which makes the representative of Pakistan say that the people of Kashmir are their kith and kin, is not common nationality; it is not a common race; it is not common traditions or common history, but the mere bond of religion. We emphatically deny and repudiate a philosophy which equates nationality with religion. The basic philosophy on which our State is based, and our Constitution is enacted, is a multi-racial society, a society in which people of different religions can live together happily and can be treated as equals before the law and can enjoy the same rights and opportunities."

"The Foreign Minister of Pakistan has taken pride in the way the Government of Pakistan has treated its minorities. Now, there are various ways of treating minorities, and the one that Pakistan has adopted is perhaps the most effective. It has driven out all but a few Hindus from West Pakistan, and it is resorting to policies which aim at gradually driving out the Hindus from East Pakistan. If the objective of Pakistan's policy was to have a State with only men of one religion living in it, that objective could not be better achieved than by the action that Pakistan has been taking since its inception.... It is perhaps easy and possible for Pakistan to get rid of its minorities. As for us, we look upon the Muslims not as a minority but as an important and integral part of our nation. Fifty million Muslims live with their Hindu brethren in all parts of the country, in every village, town and city. To us the very thought of exchange of Hindus and Muslims is abhorrent. We realise that India would break up and disintegrate if it cannot give all the communities which live in it protection and full rights."

"I do not envy the representative of Pakistan the choice of his metaphors. I think they are in extremely bad taste. He has compared India to a senile person showing his false teeth. India is a young country as far as freedom is concerned,

although it is old in tradition and history. It is a country which, since its independence, has maintained democratic institutions and has launched upon its economic development in a setting of freedom. These are not false teeth. They are teeth which we acquired with our birth as an independent nation."

I ended up by saying:

"I wish to assure the Foreign Minister of Pakistan, with all the emphasis at my command, that Pakistan has nothing to fear from India. We have no aggressive intentions. We feel that in the prosperity of Pakistan lies the prosperity of the whole sub-continent of India, and this prosperity, both of India and of Pakistan, depends upon Hindus and Muslims in both the countries living peacefully side by side. Let us make every effort to come together and see whether we cannot take the necessary steps towards this end. This is essentially a matter for us to decide—Pakistan and ourselves. No intervention of a third party can be of much help. There are certain matters which can only be settled bilaterally, and the question of communal peace and harmony in India and Pakistan is one of these."

In my final speech on the debate, which I delivered on 18th May, I made a strong appeal to Pakistan:

"India is an example of a society where inter-communal harmony exists. My appeal to Pakistan is, 'Do not interfere with this experiment. Let the experiment go on, because the future of the world depends on inter-communal societies succeeding.'"

As one paper described it, the Security Council started with a fanfare and ended in a fiasco. Seven members of the Council, suggested a consensus statement which would require the U.N. Secretary-General to join the talks between India and Pakistan as a good offices officer. The U.S.S.R. and Czechoslovakia opposed this idea, and supported the Indian stand. The result was that the Security Council left the Kashmir question to be settled bilaterally between India and Pakistan. The Secretary-General was to extend his good offices only if both parties wanted his help.

I described the Council deliberations as unrealistic and an exercise in futility. I pointed out that the Council had neither passed a resolution nor arrived at a consensus; there was only a summing-up by the President which was based on a statement containing the facts of the debate.

When I returned to India, I was happy to find that Parliament was fully behind me, and supported the stand I had taken in New York. Mr. N. C. Chatterjee, M.P., wrote to the Prime Minister to convey his congratulations on what he called the fine speech delivered by me, and when I made my statement to Parliament it was received with cheers from all sides of the House. It was clear that there was complete unity in the country and in Parliament on the Kashmir issue.

I had again to go to the Security Council in September 1965. This was under very different circumstances. Pakistan had sent raiders into Kashmir, followed by contingents of its regular army. It was a clear case of gross and unprovoked aggression. The Security Council passed two resolutions on September 4 and 6, 1965, calling for a cease-fire. Our objection to these resolutions was that they equated India and Pakistan, refused to recognise the fact that Pakistan was the aggressor, and also refused to condemn its aggression. My task, therefore, was to persuade the Council to fix the responsibility for the aggression and to provide effective guarantees against future aggression by Pakistan.

In my speech delivered on September 17, 1965, I said:

"We have here a finding of the Secretary-General, based upon first-hand information from General Nimmo, that this conflict started on August 5, with armed men from the Pakistan side invading our country. I cannot understand or imagine how there could be a clearer finding of aggression than we have here.

"It is important to note that the resolution of the Security Council also mentions the date as August 5. That, to our mind, is the crucial date, and the Council has to apply its mind to that date. What happened on that date? What happened on that date was that Pakistan invaded India. Kashmir is a part of India

and the invasion of Kashmir was an invasion of India and, aggression on Kashmir was aggression on India."

I then quoted from the speech that Bhutto made in the National Assembly on July 13:

"Circumstances and conditions have been the most eloquent compulsion to action—what was valid, proper and realistic yesterday need not be valid, proper and realistic today."

On the question of condemning the aggression by Pakistan, I made the following observations:

"What is the utility of this Council if it will not condemn aggression on these facts? If you are satisfied—and I ask you to say that you are satisfied—and respect the Secretary-General's report, and if you are satisfied that aggression was committed by Pakistan on August 5, I say that it is your duty to condemn this aggression. Otherwise, international law has no meaning and international society cannot exist. Not only must this aggression be condemned, but also Pakistan must be asked to vacate this aggression. An aggressor cannot get away with the fruits of his aggression. I beg you, Mr. President, and members of the Council, "Do not equate the aggressor and the victim, do not bracket them together". My one objection to the resolutions of September 4 and 6, if I may say so with due respect to the Security Council, is that you treat both India and Pakistan alike, that you call upon both of them to do something without distinguishing in any way whatsoever the rôle played by Pakistan and the rôle played by India."

I brought to the Council's notice the fact that the Pakistan Government was telling its people that it was waging a *jehad* against India:

"Pakistan's other objective was to make this a religious war. We are living in the modern age. We have learned to understand that religion is something personal and intimate. It is your contact with your Creator. It is your attempt to understand the inscrutable mystery of existence. We do not wear our religion on our sleeves now. We do not ostentatiously brandish

it in the face of people. But I am sorry to say that Pakistan is still in the medieval age."

I then quoted from a speech by Sheikh Abdullah he once made to the Security Council to demonstrate what Pakistan's conception of a religious war was:

"These raiders abducted women, massacred children; they looted everything and everyone; they even dishonoured the Holy Koran and converted mosques into brothels, and today every Kashmiri loathes the invading tribesmen and their arch-inspirers who have been responsible for such horrors in a land which is peopled by an overwhelming majority of Muslims."

I did not foresee what Pakistan would do in Bangladesh six years later. In the name of Islam and in support of the Muslim cause, Pakistani soldiers were to commit genocide upon the innocent people of Bangladesh which in its scale and barbarity is unparalleled even in the long history of man's inhumanity to man.

I pointed out that Pakistan was fighting India with arms supplied by U.S.A., which were intended to help meet communist Chinese menace. I quoted the assurances given by Eisenhower in 1954, by Dulles in 1956, and by Bunker, the U.S. Ambassador to India, in 1957. The assurances given by these three high personages were clear and categorical that if Pakistan used American arms against India for aggressive purposes. she would forfeit American assistance, and the United States would be on the side of India.

I referred to the statement made by Bhutto before the Security Council that he had lost his patience, and that he was prepared to fight for a thousand years in order to take Kashmir. Yet today (1972) this same Bhutto wants a durable peace with India, calls the Prime Minister, Mrs. Gandhi, his sister although, at the same time, he is prepared to vilify her in interviews given to European papers, and wants India to help him consolidate his regime in his country. Can anyone trust a man who speaks with so many different voices, one voice completely contradicting another?

I then described the true nature of the war between India and Pakistan:

"This is a war between two ideologies. Let us face it. On the one hand, there is a religious State; and on the other a secular State. This is the conflict; it is not Kashmir. Kashmir is merely the symptom; it is not the disease. The disease is that Pakistan believes in a religious state; it believes in religion as the nexus between citizens. We believe in a secular State, in a multi-racial society. And it is also a fight between a free society and democratic institutions on the one hand, and dictatorship and regimentation on the other. These are the issues involved in this war. And I think, if I may say so, that it is in the interest of Asia and the world that our free society, our multi-communal federation, should survive.

"The attack on Kashmir is an attack for the purpose of breaking up our federation, of breaking up our way of life, of preventing us from carrying on our great experiment of men of different religions and different languages living peacefully together. You in this country are trying the same experiment. Other countries are trying it. But Pakistan does not want it; she does not believe in it and wants to break it up."

I referred to the blackmail that was being practised by Pakistan:

"But may I say this—and here I am echoing what my friend, the representative of Malaysia said—that this would be a very serious thing for the Security Council, it would be a very serious thing for international relations, it would be a very serious thing for international peace, if Pakistan could get a settlement of the Kashmir problem, could get a plebiscite, at the point of the gun or bayonet. I call this blackmail. You invade a country, you spread terror in the country, you bomb civilians, you do everything that is in your power, and then you turn around and say: 'I agree to a cease-fire, provided you settle the problem of Kashmir and hold a plebiscite in Kashmir'."

Ultimately, the Security Council passed a resolution, fixing the time when the cease-fire should come into force. We had un-

conditionally accepted the cease-fire, but up to that time Pakistan had not. I need not go into the theatricals indulged in by Bhutto, who woke up the President at dead of night, had a meeting convened in the early hours of the morning, and after vilifying India to his heart's content and putting out threats against her once more, accepted the cease-fire on behalf of his country.

During this debate the attitude of the British Government, I must say, was deplorable. Harold Wilson, the Prime Minister, had already committed the serious *faux pas* which later he regretted, by failure to distinguish between the rôle played by Pakistan and the rôle played by India in precipitating the war. He afterwards gave the lame excuse that he was not properly briefed by the Commonwealth Ministry. In New York, too, the British delegation showed partiality towards Pakistan.

During my short stop-over in London in my return journey from New York to Delhi, I strongly condemned the so-called 'impartiality' of the British Government:

> "No judge or even an onlooker has the right to be impartial between an aggressor and his victim."

When asked if the British attitude was explicable by a desire not to take sides in a dispute between two Commonwealth countries, I replied:

> "The Commonwealth does not prevent its member States from condemning an aggressor when he happens to be a fellow Commonwealth member. If this is a convention, it is erroneous and should be changed."

The B.B.C. had referred to Bhutto's speech in the Security Council as the greatest speech ever delivered in the United Nations. I do not know what standards of oratory the B.B.C. accepts. But if a speech which is flamboyant, vitriolic, threatening, a speech characterised by tricks like the ones adopted in rabble-rousing, and punctuated by cheap dramatics, signified the high water mark of oratory, then, undoubtedly the B.B.C. was right.

During the Security Council debates I was ably assisted by C. S. Jha, the Foreign Secretary, who himself had been the head of our United Nations Mission, and knew a large number of heads of other States, and was wholly familiar with the intricacies of U.N. diplomacy. I also had invaluable help from three young officials in the Mission, to whom I must acknowledge my debt. They were Nagendra Singh, S. K. Singh and Natvar Singh. Curiously all three were Rajputs and all belonged to royal families. They worked with zeal and dedication, brought information to me of what was happening, and what the thinking was in the various embassies. I have rarely come across a set of such fine officials. Before I drafted my speeches for delivery before the Security Council, I held conferences with the head of the Mission, the officials on duty and with C. S. Jha, and settled the lines on which the argument should proceed. C. S. Jha, I remember, was a little doubtful about the unequivocal attitude I wanted to take up about plebiscite in Kashmir. He suggested that I should get into touch with the Cabinet before I committed myself. I told him that I was a member of the Cabinet, and had full authority to deal with this question. I knew the mind of the Cabinet, and no further approval of my views was necessary.

I should also like to mention the great help and support given to us by Mr. Ramani, the head of the Malaysian Mission in New York. He had a very acute intelligence which could analyse a situation with the skill and discrimination of an eminent lawyer. His utterances were not partisan or partial to India but were an objective and impartial appraisal of the conflict and the causes that led to the conflict.

I need hardly mention the unfailing support we received throughout from the U.S.S.R. and Czechoslovakia. Every attempt by other powers to drive us into a corner was frustrated with the help of these two countries. India owes a deep debt of gratitude to these two countries for the diplomatic support received from them at many awkward moments. It was help born out of real conviction.

The broad conclusion I drew from these debates in the Security Council was that it was futile for the Security Council to try to

interfere in Indo-Pakistan relations. The nature of these relations must be left to be settled bilaterally between the two countries without any intervention from any outside power. Undoubtedly, the Council has to play its legitimate rôle when hostilities have broken out, but the Council should not sit on the fence, ignoring admitted or patent facts and refuse to pass judgment and condemn the aggressor, when it sees one. Failure to take a stand is simply a way of stultifying oneself.

CHAPTER FIFTEEN

External Affairs Minister

WHEN G. L. Nanda resigned as Home Minister there was a reshuffle in the Cabinet, and the Prime Minister, Mrs. Gandhi, asked me to take over the External Affairs portfolio. I thanked her for the great honour she was doing me, and told her that I hoped that I would justify her confidence.

Within twelve hours of my appointment—this was in November 1966—I had to answer questions in the Lok Sabha and, as usual, I had to face a critical, and often hostile Opposition. This is what *The Statesman* wrote about how I functioned on the occasion:

> "'Old wine in new bottles', sniffed Mr. Madhu Limaye disdainfully at the look the Treasury Benches presented today. Well, old it might be but at least one bottle sparkled promisingly. Mr. Chagla did not let his brief start at the External Affairs Ministry worry him. He plunged readily into the test. An unusually alert opposition sprang on him. The test came in stiff doses, but he handled it with the aplomb and practised ease of a suave diplomat. He was stern when attacked, conciliatory when he had to dodge some nasty shots, and at times he even hit back."

This was indeed high praise from a paper which had often been very critical of me.

The Ministry started off with a bang. The bang was not of my making; but vials of wrath poured upon my innocent head

for an innocent remark which I had made, and which displeased the strong pro-American lobby. Reita Faria, an Indian girl, had been crowned "Miss World". She was asked to go to South Vietnam to entertain the American troops. After some hesitation she declined the invitation. I think on the same day or the day after this piece of news had been published, I was entertained to a reception by the Press in Delhi, and in the course of my remarks I referred to Reita's action, saying that she very wisely and patriotically gave up her plan to go to South Vietnam. I thought there was nothing objectionable in what I had said. Our policy with regard to South Vietnam was clear and unambiguous, and it had been explained cogently on various occasions. We objected to the presence of American troops, we objected to the bombing by American planes, and we made it clear that in our opinion South Vietnam should be allowed to solve her own domestic problems without the intervention of any foreign power. If an Indian artist refused to entertain American troops whose presence had been condemned by us, surely he or she was acting consistently with our policy, and what Reita did was certainly wise and patriotic. Apart from the furore created by the pro-American section of the Indian press, even *The Washington Post* characterised my action as tactless. My feelings about the American action in South Vietnam have always been so strong that I felt this was an occasion when tact was out of place, and a clear and categorical expression of views was called for.

One of the more important matters I had to deal with administratively was the consideration of the Pillay Committee's Report. N. R. Pillay had been the Secretary-General of the Ministry, and after his retirement he was asked to review the working of the Ministry and prepare a report suggesting various reforms. It was a report which contained many useful suggestions and I thought that immediate action should be taken on it. I, therefore, sat with my three Secretaries every morning going through the report, deciding which recommendations should be accepted, and how they should be implemented. There were some recommendations which the Ministry itself could implement; there were others which required inter-ministerial discussions, and a third lot which required the sanction of the Cabinet. I decided that as far as

the first category was concerned, we should carry out the recommendations without delay.

On the question of administration, I gave orders that all foreign telegrams which arrived after office hours should be delivered at my residence. In the past they were seen by the Minister the next day, when he went to the Ministry. I used to receive these telegrams sometimes till 11 or 11.30 p.m. when no personal staff of mine was present, and I had to open them myself and study them. The reason for early disposal was that very often our embassies abroad needed immediate instructions and a delay could be highly prejudicial. Everyday I would meet my Secretaries at 10 o'clock, and discuss these telegrams with them. But I soon discovered that the Secretary concerned had not even read these telegrams, particularly if he happened to be one who played golf in the morning. I had told my Secretaries that they should not hesitate to state frankly what was their view about any course of action I suggested, or to argue against it if they did not agree. I had explained to them that the whole object of this exercise was to discuss thoroughly conflicting views, and to clarify knotty points. I wanted not agreement but constructive, enlightening discussion. I assured them that the ultimate decision and responsibility were mine. And I preferred to reach my decisions after all sides of a question had been properly ventilated. In the final count a yes-man could be a handicap. Once the ground had been cleared, I found these conferences to be most useful; and I am greatly indebted to my Secretaries for the assistance and guidance they offered, based on their wide experience at the Ministry itself and in foreign countries.

In the matter of policy, the most important question I had to tackle was Indo-Pakistan relations. When I was appointed, they called me a hard-liner as far as Pakistan was concerned. I knew that Lal Bahadur Shastri, when he constituted his Cabinet, was thinking of appointing me as External Affairs Minister. But he was persuaded both by a section of the press and of the public not to give me the foreign affairs portfolio because of my confirmed views about Pakistan which, they thought, would seriously hamper any negotiations for a settlement between the two countries, which they all so ardently desired.

I did not in any case want to adopt a hard line towards Pakistan but a firm line, and there is a vital distinction between these two attitudes. It was my conviction that we should negotiate with Pakistan from strength and not from weakness, and that we had too often taken decisions merely out of a certain concern about Pakistan's reactions. I felt that Pakistan's reactions could be easily anticipated, because whatever we did Pakistan would condemn so long as it pursued a policy of 'Hate India'. The greatest and the real obstacle in the way of a settlement between our two countries was the nature of the foundation on which Pakistan's foreign policy structure had been erected. Pakistan had come into existence by reason of the two-nation theory which we completely repudiated. But although this theory might have been all right for the creation of Pakistan itself, and for giving the Muslims a country which they could call their own, it had no relevance to the relations between two independent countries.

But Pakistan went on harping on this theory, asserting that Hindus and Muslims could never be united, and claimed Kashmir on the basis of this very theory, inasmuch as Kashmir was a State with a large Muslim majority. I knew of no earthly way by which this ideological obstacle could be removed. Kashmir is the be-all and end-all of Pakistan's foreign policy. Whatever may be the subject matter of discussion, Pakistan will always bring up Kashmir in the end.

The second plank in Pakistan's foreign policy was hatred of India. The Government of Pakistan kept deceiving its people quite deliberately by telling them that India had aggressive designs on their country. We had repeated times without number in public and in Parliament that we had no designs on even an inch of Pakistan territory, and we had even offered to President Ayub a no-war Pact—an offer also repeated on many occasions—which conclusively demonstrated our sincerity, and the rejection of which by Pakistan demonstrated on her side the warlike intentions of her military rulers. Pakistan consistently refused to sign a no-war pact. Despite all this, one has to work hard to bring about cordial relations between the two countries and we did work hard. I hoped the day would come when, as in North America where there is not a single soldier guarding the long

frontier dividing the United States from Canada, we too could have an open and unarmed frontier between our two countries. But this could only be brought about, not by giving in to Pakistan, but by taking a firm line and making it clear beyond doubt where we stood and intended to stand. This was particularly so with regard to Kashmir. There could be no wavering on this question. Kashmir was not negotiable—it is part of India—and the sooner Pakistan realised that, the better it would be for our two countries.

It is true that while Pakistan was communal and theocratic, we were secular, and the two ideologies were entirely different, even antithetical. But countries with different ideologies could have peaceful relations, and leave each country to follow its own way of life and its own way of thinking. I further thought that apart from Kashmir there were many subjects on which we could arrive at a mutually beneficial settlement. Kashmir could be kept in cold storage, each country sticking to its own views about it, while we settle matters which might be peripheral, but which were bound to lead to an improvement in the general situation. It would be easier to settle the Kashmir problem in a friendly and cordial atmosphere created by a series of prior agreements on other matters rather than in an atmosphere which was still charged with hatred and distrust.

As soon as I took office, I instructed my officials to get into touch with Aziz Ahmed, the Pakistan High Commissioner, and see whether officials of the two countries could meet and settle outstanding questions like trade and commerce, air flights between the two countries, telecommunications, and so on. Aziz Ahmed's response to this was that nothing could be settled unless Kashmir was settled first. I might say that Kashmir had become like King Charles's head in all the negotiations and talks which I attempted to initiate. After a prolonged and tiresome dialogue, the only subject Pakistan was prepared to discuss was telecommunications.

I also tried to contact Pirzada, who was the Foreign Minister of Pakistan at that time. He knew me well, and as he himself confessed, he had a great regard for me. He had practised in the Bombay High Court, and had appeared before me while I

was Chief Justice. I first tried to meet him in Geneva where I had gone in connection with the hearings of the Kutch Tribunal and the signing of the nuclear treaty. I suggested that he also should make it convenient to be in Geneva when I went there, so that there could be no publicity and we could have a quiet talk together. I was given to understand that Pirzada was agreeable, but Aziz Ahmed torpedoed the proposal. I finally met Pirzada in New York when I was there during the talks about the West Asia crisis. I invited him to lunch, and he said that he would willingly come but on three conditions. I felt it rather odd that a guest should impose conditions before accepting the hospitality of the host. I asked him what the three conditions were, and he told me: (i) there should be nobody at the lunch except the two of us, (ii) there should be no publicity whatsoever about the lunch, and (iii) I should accept a luncheon by him in return. I laughingly told him that if all Pakistan problems could be solved on such simple and easy terms, we would have the two neighbouring countries living in perfect peace and amity on the morrow. I unequivocally accepted all the three conditions. Pirzada came and had lunch with me, and we discussed our mutual problems in a very friendly and candid spirit. I am still bound by one of the conditions, and should not therefore disclose what transpired at this meeting. The third condition could not be fulfilled as I soon resigned from the Cabinet, and Pirzada himself some time later ceased to be his country's Foreign Minister.

I might mention that Pakistan had never implemented the Tashkent Agreement. We, on the other hand, loyally abided by the decisions. We made it a point to celebrate what we called Tashkent Day, and we had even unilaterally removed the trade barriers. There was a strong feeling here at the time that circumstances were favourable for breaking the diplomatic stalemate, and making a new start in our relations. But even before the ink on the agreement was dry, Pakistan had in effect repudiated the pact. She had obtained all the advantages she could out of the agreement, but had refused to carry out her share of the responsibilities and duties. Pakistan was never serious about peace between the two countries, and was waiting and arming after 1965 for another round of hostilities. That round came in 1971.

when Pakistan was decisively beaten. The moral of Tashkent is that it is difficult to arrive at any stable agreement with Pakistan in the hope that it would be observed fully and in good faith. We cannot afford to rely merely on promises given by Pakistan which have the same effect as though written on sand. And unless the assurances are backed by proper guarantees, any future Summit meeting would share the same fate as Tashkent did. In fact, this is what seems to be happening to the recent Simla Agreement, though this was signed by a different kind of Pakistan —a sadder and a wiser Pakistan, as one thought, chastened by a set of harrowing experiences.

Throughout this period there was considerable anxiety, both in Parliament and in public about the decision of the United States to resume arms supplies to Pakistan. It is really difficult to understand U.S. policy with regard to Pakistan. It makes no sense on any rational consideration. The U.S. knew that Pakistan had used American arms against India in the 1965 conflict. It also knew or ought to know that a strong democratic India is essential for peace in this part of the world, and also to help guard against the Chinese threat. She realises that the arming of Pakistan must result in an arms race between the two countries. And while America was giving considerable economic aid to our country, it was at the same time taking action which cannot but compel us to divert a considerable part of our revenues from nation-building activities to defence purposes. It seems to me that there are two reasons underlying American policy, both of which are untenable. In the first place, America wants to balance India's strength by having a strong Pakistan as a neighbour. But this balancing theory has never worked, and can never work. India with her tremendous resources and enormous potentialities, with a large population and area, must always be stronger than her neighbour. The second reason is to prevent Pakistan edging nearer and nearer the Chinese, and finally falling into China's orbit. It is difficult to understand how the Chinese embrace of Pakistan could be closer or tighter than it already is, or indeed how the two can be wholly driven apart. Sino-Pakistan relations are governed by geography and the logic of power politics. The enemy of my enemy is my friend. Pakistan wants Chinese friend-

ship as much as she wants American or Russian friendship. She also plays a balancing game of her own. As long as Pakistan insists on regarding India as her enemy, so long would she be compelled to have a special relationship with China. This is common sense.

We made strong representations to the United States on the resumption of arms aid and we also pointed out that the arms supplied by America to her allies, particularly Turkey and Iran, were also being transferred to Pakistan. But our protests were of no avail, and the usual unsatisfactory assurances were given which were not worth the paper on which they were recorded. I might mention here that I had also tried my best to persuade Pakistan to enter into an arms limitation agreement, but with Pakistan's warlike intentions and designs the negotiations never made any headway.

My policy with regard to China, which was often subjected to criticism, was that a stalemate between our country and our mighty neighbour should not be allowed to continue indefinitely. I have always felt that there were more chances of bringing about a settlement with China than with Pakistan. Our differences with Pakistan were ideological and there was no possibility of a peaceful co-existence with her so long as Pakistan persisted in her indefensible attitude towards India. On the other hand, although China was a communist country, there was no difficulty about a communist country being friendly with a country which stood for democracy as has been demonstrably proved in the relations between U.S.S.R. and India.

The real stumbling block was the settlement of the boundary dispute, and the return of Indian territory which China had seized in the 1962 war. Strong feelings were expressed in Parliament when our diplomats in Peking were badly manhandled, and there was an insistent demand that we should break off diplomatic relations with China. I resisted the clamour, and pointed out that we should have a window on China, and our Mission there could help us to understand what China was doing, and what her thinking was on international issues. Of course, I did not take the Chinese insults lying down. We adopted retaliatory measures by which the Chinese diplomats in Delhi were confined to their

own embassy. I also pointed out that the breaking off of diplomatic relations would make the restoration of normal relations at some future time even more difficult. Unfortunately, China showed no inclination to change her attitude, and the stalemate persisted.

One of the first things I did after assuming office was to visit Indonesia. Normally, Foreign Ministers visit Western countries first, but I felt that our most pressing problems lay in our relations with South-East Asian countries which were as much threatened by China as we were. I was particularly keen that we should do what we could to make these countries economically strong. China might not have any aggressive designs on these countries such as military attack from outside, but her policy seemed to be to weaken them economically, so that she could create insurgency conditions and undermine their position and make them subservient to her. Therefore, it was necessary for India to give whatever economic assistance she could to these countries and to enter into collaboration agreements. I also put forward a tentative proposal for an Asian Common Market or an Asian Development Council on the lines of the one established in Europe.

In Indonesia the Foreign Minister at the time was Dr. Adam Malik, a young man of vigour and imagination who wanted to break with the anti-Indian policy of the previous government, which was under Chinese influence. Arms had been supplied to Pakistan under a treaty arrived at between the latter and the old regime, and Malik was quite prepared to abrogate that treaty and ask Pakistan to return the arms that had been supplied. In the course of our talks we succeeded in removing whatever differences and misunderstandings existed between the two countries and establishing new relationships. We both agreed that China should be contained and the greatest emphasis should be placed on economic development. We decided that talks between our two countries should be held every year alternatively in Delhi and Jakarta. Our quarrel was with Sukarno rather than with Indonesia—with his anti-Malaysia, pro-China policies. He even turned against India and openly paraded his support for

Pakistan on Kashmir. We took no active steps, but waited for the storm to blow over.

Sukarno was still, though nominally, the President of Indonesia at the time, and I had to make a formal call on him. Malik accompanied me when I went to see him at his palace. That very morning an article had appeared in a local newspaper written by the Foreign Minister, calling upon Sukarno to step down, and it was most embarrassing to have Malik present at my interview with Sukarno. But Sukarno took his Foreign Minister's criticism in his stride. As soon as we sat down he turned to me and asked me, "Have you read what my Foreign Minister has been saying about me?" I replied that if it was the article that Sukarno had in mind, then I had read it. Sukarno added, "Do not believe one word of what Malik says." Malik kept quiet, undoubtedly feeling that the President should not have broached an awkward subject. Sukarno had a most colourful personality, and was a man of wide interests. He discoursed with me on Indian culture, on the writings of Tagore and the impact of Indian civilization upon his own country. He slyly commented on Nehru's pronunciation of Allahabad. He explained that Allahabad meant the City of God, and the name should be articulated in a way that would bring out the full meaning. He observed that Nehru pronounced Allahabad with a Cambridge accent, which distorted the significance of the name. Towards the end, Sukarno was also alienated from Nehru personally. He thought of Nehru as something of a rival, and also as too much of a moderate, while Nehru thought of Sukarno as irresponsible and over-ambitious, as indeed he was.

When I was leaving, and he came out with me to say goodbye, there was a large battery of American photographers facing us. Sukarno asked them why they were there, and they replied that they wanted to photograph him. He said "Why?'. They answered, "You are a very important person." Sukarno gave a loud laugh, and told them that they should invent a better reason. Even in an extremity the man had retained his sense of humour, something that compells admiration.

Sukharno had rendered great services to his country in the

past, but his taste for wasteful, extravagant and ostentatious display had ruined the economy of his country, and had brought it to the brink of insolvency. I found that the new government had decided to reverse completely his policies and were deeply engaged in devising ways and means for the restoration of the Indonesian economy. The Planning Minister took me to the planning room in his Ministry where there was a chart, showing the shortages in the country, the potentialities for growth, and what steps had so far been taken, and what steps were proposed to be taken.

I was also impressed by the visible evidence of the impact that Indian civilization had made upon Indonesia. The language was full of Sanskrit words, and, most surprising, there was a wonderful *Ramayana* ballet, which was staged every year in all its colourful detail, and which attracted large masses of people. The person in charge of the committee that organised this ballet was a Minister in the Government. With such close cultural contacts it was difficult to understand why India and Indonesia should not be on the best of terms.

On my way back, I visited Burma and met Ne Win. I found him very practical, very unlike a conventional dictator, and mainly concerned with his own country, and with no ambition to play a rôle on the international stage. He had realised the danger of permitting foreign powers to interfere in the affairs of his country, and had gone to the other extreme of completely isolating Burma from the outside world. There were two or three outstanding problems I had to discuss with him. One was how to prevent the Mizo and Naga rebels from escaping to China through Burma, and he promised every assistance. The second and more serious one was the boundary dispute. We, fortunately, settled this without much difficulty, and it was agreed that a joint commission should be appointed to demarcate the boundary according to the principles we had laid down. The third concerned the large number of Indians who had been detained for what was described as "social offences" I urged that those who were considered guilty should be tried without delay, and those against whom there was no *prima facie* case should be allowed to return to their country. Connected with this was the question of the assets which

Indians wishing to return home could take with them. Ne Win was very sympathetic, and I felt that this question also could be amicably settled. I left Burma satisfied that there was no serious difference between our two countries, which could in any way jeopardise our friendship and good-neighbourly relations.

I also remember my visits to Singapore and Malaysia. With these countries we had no specific problems that asked for a solution. Both of them had shown a friendly attitude towards India, and Malaysia in particular, under its able Prime Minister Tunku Abdur Rahman, had stood by us both during the Chinese and the Pakistani conflict. In both countries there lived large numbers of Indians; and they were very well treated. One Indian, Raja Ratnam, was a Minister in the Singapore Cabinet, and another Indian, Ramalingam, about whom I have already spoken, headed Malaysia's United Nation's Mission. But the personalities of the Prime Ministers presented a marked contrast. Their background was different. One was a Chinese, the other a Malaysian Muslim. One was from the middle class, the other belonged to the aristocracy. One was modern, the other was a traditionalist. The two could not possibly think alike. The Prime Minister of Singapore, Lee Kuan Yew, exuded brilliance, had a most alert mind, and was a most vivacious personality. Like most people who met him, I could not resist his obvious charm. Tunku, on the other hand, was quiet, thoughtful, steady and something of a pragmatist. He was the most tolerant and the least fanatical Muslim I have ever known. The two Prime Ministers could not get on well together, because while the Singapore Prime Minister thought Tunku was just a work-a-day Prime Minister without imagination and without initiative, Tunku thought that the Prime Minister of Singapore was a playboy who indulged in unrealistic flighty attitudes. The one bond which united them however was a love of golf. They were both passionately devoted to the game, and they played together sometimes in Kuala Lumpur and sometimes in Singapore. This helped to soften the acerbities of mutual political antagonism.

There are two stories concerning my meeting with Tunku, which I must relate here. One Thursday night he invited me to a State dinner, at which he proved himself to be a generous and

altogether an admirable host. During the conversation he mentioned that the next day was Friday, and so he would call for me, and we would both go to the mosque for *Namaz*. Not being a hypocrite, I did not want to make a public display of a ritual in which I did not believe. So I told Tunku that I had some personal engagements, and I regretted that I would have to forgo the privilege of accompanying him to the mosque. Tunku said that we could adjust the time, but I persisted again expressing my inability. Then Tunku realised that, for some reason or other, I did not want to go to the mosque, and dropped the subject. There was a curious sequel to this. Our Ambassador to Japan, Tyabji, told me that during his visit to that country Tunku had told him that I being a Shia did not want to go to a Sunni mosque! I was highly amused and said to myself: "I wonder what Tunku would have said if he had known the real reason."

On the day of my departure, we had to issue a joint communique, the terms of which were being settled by our officials and those of the Malaysian Ministry. There was some hitch about the wording of a particular paragraph, and the official concerned asked me to make a request for an appointment with the Prime Minister so that the two of us could settle this small matter. Tunku asked me to come to his house at about 7 in the morning. I went there, he offered me coffee, and told me that he had been up till 2 a.m. playing poker. I looked very surprised. Then he said: "You know what my philosophy of life is? I give to God what is due to Him, I give to my country what is due to it, and I give to myself what is due to me. I, therefore, say my prayers; I serve my country to the best of my capacity; and I thoroughly enjoy myself drinking brandy and playing poker and golf." I thought this was a perfect philosophy for a working politician.

Apart from the South-East Asian countries, I thought that an attempt should also be made to improve our relations with West Asian countries, which had usually sided with Pakistan in our disputes with her on the question of Kashmir. What I proposed to tell these countries was that their friendship with Pakistan should not come in the way of their friendship with us. On Kashmir, if they were not yet convinced of the rightness of our cause,

they were entitled to hold their own views. But all I wanted from them was an assurance that in case of a conflict between India and Pakistan, they would not take sides with Pakistan or supply arms to her, but remain strictly neutral. This was the gospel I wanted to preach hoping it would make at least some converts.

I first went to Kuwait, a small country but one of the richest in the world. Its late Amir had close relations with India; he was very fond of Bombay and used to visit the city often and had even purchased some properties there. I was amazed at the affluence of that country. They have so much money that they do not know what to do with it. For example, the U.N.O. had sent some of its officials there in connection with some project which Kuwait had undertaken. Usually, the United Nations itself bears the expenses of its mission to a foreign country. In this case Kuwait informed the U.N.O. that the country would pay the expenses itself, and would not draw on the funds of that Organisation. They have built a huge plant at exorbitant cost to convert sea water into water which could be drunk. The main problem of that state is the shortage, almost non-availability, of drinking water.

I went to see the hospital which was housed in an impressive building, and when I praised what I saw, I was told that this was merely a temporary building and the permanent building was under construction. I laughingly observed that their temporary building was much better than the permanent buildings I had seen in many countries. In this hospital I found that a large number of nurses were from Kerala. Talking to them I was satisfied that they received a princely remuneration and were happy and content. The driver of my official car was also a man from Kerala. I started talking to him, and he told me that his salary was Rs. 1,000/- per month, that he had to pay Rs. 15/- for rent, and about the same amount for electricity and water, and the food also did not cost very much. I asked him what he did with the balance, and he replied, "I send it to my family in Kerala which, because of my service here, is living in very satisfactory conditions."

My visit to Iran was on a higher plane. Iran was definitely a close associate of Pakistan and our people were very resentful of the attitude taken up by that country in all Indo-Pakistan disputes and conflicts. When I went there, everything that I saw made me wonder why we should be on the opposite sides of the diplomatic fence on this one subject.

The people were very affable, and they all took it for granted that there must be a powerful bond of friendship and sympathy between the two countries because of the Moghul rule which had brought Persian culture to our country. I did not notice the slightest trace of any hostility towards us as a people. But, of course, politics are different, and national policies are governed by what one thinks, sometimes mistakenly, is required by the country's national interests.

The Shah of Iran invited me to lunch at his residence. At the lunch there were only myself and the Foreign Minister, besides the Shah himself. The Foreign Minister was the son-in-law of the Shah, and I knew him very well. He was Ambassador in Washington when I was there, and he was also in England when I was High Commissioner in that country. In Washington he often used to see me and ask my advice, as he said that I was an older and a more experienced man and he could benefit from my advice and guidance. He was particularly interested in the educational development of his country, and he often discussed educational problems with me. The Shah had a fine presence, and was a man of culture. He had also a very deep insight into problems which were the subject of debate in the arena of international politics. He served me with one of the best luncheons I have ever had. It was not an ostentatious lunch; there were not many courses, but the few courses that there were, were all cooked to perfection; and the wine that was served with the meal was of the best vintage. I enjoyed most the famous imperial caviare which is golden in colour and which is preserved for the imperial table.

We sat at the table for about two and a half hours, and he undertook for my benefit what the French call, a *tour d' horizon*, commenting with great acumen and knowledge on all the political trends he noticed in the present-day world. I remember he

almost made it a grievance that India had ignored him in the past. I gently hinted at the possible reason for this, and assured him that I was most anxious to restore friendly relations with his country. He then remarked casually that although his first wife had visited India, his present wife had not; and I immediately on behalf of my Government extended an invitation to him and his wife to visit India as the guests of our President. I am glad that subsequently the visit materialised and Their Imperial Majesties visited our country. It was noteworthy that he did not bring up the question of Pakistan at this discussion. We skirted round this awkward subject, and decided to leave it alone. I thought I would discuss it with greater profit when I and our official delegation met the Foreign Minister in a business session.

When I met the Foreign Minister we discussed the question of arms aid to Pakistan. As this became a matter of considerable controversy afterwards, I must describe what actually happened. I placed before him our views about Indo-Pakistan relations and Indo-Iranian relations, which I have described above. And then I asked him for an assurance that Iran would not side with Pakistan in any conflict that might arise between India and Pakistan. The reply was emphatic. He assured me, definitely and categorically, that Iran would remain neutral, unless an aggression was committed by India. I told him that there was no possibility whatever of that happening. This conversation could not be and was not intended to be private or confidential, and when I returned to India I made a public statement about what was agreed upon between ourselves and the Iranian Government. A few days after, to my utter surprise and consternation, a statement was issued from Teheran, denying that any such assurance had at all been given. Parliament went for my throat, and I was accused of misleading the country. I stoutly adhered to my version of what had happened. There is an explanation for the discrepancy between the two versions. I learned subsequently that when Ayub read my statement, he immediately telegraphed to the Shah, asking him to repudiate the assurance given to me by the Foreign Minister on behalf of his Government. The Shah did not want to displease his friend, and thus the Foreign Minister was compelled to go back on what he had stated to me.

Notwithstanding these political differences I am glad to note that in the economic field Iran and India have been collaborating in many projects to their mutual benefit, more particularly in the extraction and processing of petrol, and the Shah's visit to our country was a resounding success.

The other important problem I had to deal with was the treaty relating to the non-proliferation of nuclear weapons. The United States and the Soviet Union had agreed on its terms, and both the countries were anxious that we should sign it. We were opposed to the proliferation of nuclear weapons, and we had no intention of producing nuclear weapons ourselves. But we had strong objections to the treaty on the grounds, first, that it created a nuclear monopoly; secondly, that it discriminated between nuclear and non-nuclear powers; thirdly, that it prevented the under-developed countries from acquiring nuclear knowledge which they could use for technological advance. And, finally, we insisted, that the nuclear powers should give a guarantee to the non-nuclear powers against nuclear attack, and this guarantee should be embodied in the Treaty. This took me to Geneva. I had talks with the delegates assembled for the Conference which was to discuss the treaty. But I could make no headway as I found that the nuclear powers were only interested in maintaining their own nuclear supremacy and monopoly.

While at Geneva, I met Mr. Daphtary and Mr. Palkhivala who were arguing India's case in the Kutch dispute before a tribunal of three arbitrators. I met the chairman of the tribunal, who light-heartedly suggested that the definition of a 'good' award is that it should displease both parties. When the award came it certainly displeased a large section of the public in India, although it may have been very satisfactory to the other side, which got more than it deserved. The award was a majority award. Berber, an eminent jurist from Yugoslavia, decided wholly in our favour. The Chairman told me while I was in Geneva that he was very happy to find very cordial relations existing between the Indian and Pakistani delegations. He added that if such relations prevailed between the two countries on a wider plane, all our outstanding problems could be easily settled. At a dinner I gave to both the delegations and to the members of the tribunal, I myself saw how right the

observation of the Chairman was, because I myself noticed the friendliest feelings between the two delegations.

I now come to the West Asian crisis, which created quite a rumpus in Parliament. Israel had attacked Egypt, and in a brilliantly conceived military operation won a resounding victory over the Egyptian forces. I made a statement to Parliament which clearly enunciated our own policy in the matter. I was violently attacked for this statement which was taken as reflecting my personal views. This was absolutely false, because the statement which was drafted by my Ministry, was finalised and approved by the Political Affairs Committee of the Cabinet. The statement was described as a partial and partisan one; that it blindly supported the Arab cause; that it did not take into consideration the provocations offered by Egypt to the Israelis; and that finally we should have remained neutral in this conflict and should not have taken sides with the Arabs. I pointed out that we were pursuing the same policy that Nehru had followed, and that Nehru was right in his attitude and approach to the Arab problem in general.

The part of the statement which came under the strongest criticism was the opening paragraph which gave a historical survey of the Arab-Israeli question, and described how and why Israel had come into existence. I pointed out that the creation of a home-land for the Jews had been responsible for the grave injustice done to the Palestinians, who had been driven out of their own land, and this injustice was responsible for the continuing bitterness between the two countries. I further explained that our support to Egypt was a support to Nasser and what Nasser stood for. He had always stood for secularism and had set his face against the formation of a Muslim Federation. He was also the rallying point for the progressive forces in the Arab world. It was our duty to strengthen Nasser's hands; otherwise, Egypt also would join the Muslim Bloc which consisted not only of fanatically Muslim Arab States, but extended to Turkey, Iran and Pakistan. This would constitute a serious threat to our own security. As against this, Israel was a theocratic State, expressly created as a Jewish country with the avowed object of promoting the Jewish cause in all its aspects. Nasser was, besides, a prominent member of the non-aligned group of countries, and had been

on the friendliest terms with Nehru, and on many international matters the two leaders thought alike. Pakistani intrigues in the Arab world had always to reckon with Nasser's vehement opposition. We as a secular country had to support the cause of secularism, and as between Israel and Egypt we had no other choice except to support the latter country. Even our material interest dictated the very same policy which we were pursuing. There was a large volume of trade between India and the Arab countries, and this would be jeopardised if we adopted a pro-Israeli policy. There were over 100 million Arabs, and their countries lay athwart the great international highways of trade and communication.

Further, we were not supporting Egypt only because our national interest required it. Even from a strict impartial point of view, the aggression that Israel had committed upon the Arab countries was without any justification, and constituted a violation of the provisions of the U. N. Charter. Israel's war was essentially a pre-emptive war, and she sought to justify it on the ground that Egypt was threatening her security, that bellicose speeches had been made by Egyptian leaders and that Egypt was preparing to strike at Israel. To prevent this, Israel had to strike first. We pointed out that preventive wars could never be justified, because the country that was threatened should not resort to arms but seek the assistance of the United Nations. If every country, which thought that it was in danger, started a war, then the prospect of peace in the world would be very dim, and the provisions in the Charter for the maintenance of peace might as well be scrapped. I also drew the attention of the House to what I called the "pointless, callous and deliberate" attack made by the Israeli forces on the Indian contingent in the United Nations Emergency Force stationed at Gaza, which resulted in the death of 14 members of the contingent in as many as six incidents.

I found that not only the Opposition but even a section of our own party was opposed to our policy. It was argued that we had never received strong support from Nasser, and although he had not sided with China or Pakistan, he had remained more or less neutral in our conflicts with these two countries. Here I must say that though by and large, my own sincerity or integrity was not

doubted, there were whispers, sometimes very loud whispers, that as a Muslim I was supporting a Muslim cause. It was a little ironical, that while my own co-religionists refused to recognise me as one of them, some of my non-Muslim friends should have accused me of a pro-Muslim bias. I was not in the least bit interested as to whether the Egyptians were Muslims or heathens. My main concern was to pursue a policy which, I thought, was in India's national interest, and I genuinely believed that the policy we charted did advance the national cause. Day in and day out, for days together, I had to face an angry, and sometimes turbulent Parliament. I had to speak in both Houses, because it would not have been fair to let my Deputy Minister deal with this question in one House, while I was busy speaking in the other. He was new to the Ministry, and at that time not fully conversant with international affairs. It would have been no better than throwing him to the wolves; he would have been torn to pieces. I had never gone through such stress and strain as I did in those days, and my health almost broke down.

I led the Indian delegation to the emergency special session of the United Nations which had been summoned at the Soviet request to consider the West Asian situation. In New York we worked hard along with the Russian delegation to see if a resolution could be passed which would be accepted both by U.S.A. and U.S.S.R. I came into close contact with Gromyko, whom I found to be an able and astute Foreign Minister. We were constantly in touch with the Egyptian leader, Fawzie. I must confess that I was dissatisfied and disappointed with the manner in which the Egyptians left all the work to be done by the Indian and Russian delegations, and hardly did any lobbying themselves. They relied on the justness of their cause, but mere justness of a cause does not bring diplomatic successes. The cause had to be explained, and the countries which were not wholly committed, had to be converted. I also met Kosygin, who had come to New York in connection with this session to show what keen interest the U.S.S.R. was taking in a peaceful settlement of the West Asian conflict. The majority of non-aligned countries and Afro-Asian countries looked to India to give a lead in this Assembly session. The formula we were working on would accept the reality

of Israel, take necessary measures for the maintenance of peace, safeguard the territorial rights of the Arabs, and at the same time assure Israel's future as an independent state. But on one point we were firm—that there could be no acquiescence in any expansion of territory obtained by force of arms. It was a vital moral as well as political principle.

In my speech at the session, I demanded "total, unqualified, immediate and unconditional withdrawal of Israeli forces from all the Arab territories they had overrun during the recent war" I said that if the proposition was accepted that the victor in an armed conflict could defy the mandate and violate the basic principles of the United Nations Charter, then we might as well tear up the Charter, and admit to ourselves that the idea of a world community living in peace was only a dream; and the reality was that might was right, and that the strong and victorious should prevail. I pleaded that the reward of aggression must not be permitted to remain with the aggressor; otherwise, the scourge of war would be considered as an investment by anyone who was strong enough to overcome his neighbour. There were many problems to be tackled in the aftermath of the war, but first things must come first, and Israeli withdrawal was the first indispensable condition. I stayed in New York for about two weeks, but the result of the prolonged discussions in the session was a complete stalemate. The non-aligned resolution calling for the unconditional withdrawal of Israeli forces from Arab territories was defeated, and my comment was: "The rejection is most unfortunate. There are disputes with regard to boundaries and territories between many countries all over the world, and if the Israeli precedent is to be accepted, all that a country has got to do is to seize hold of the territory of another country, sit tight on it, and insist on negotiations without vacating its aggression". I emphasised the vital importance to India of the necessity for a settlement between the Arabs and the Israelis, because so long as the Israeli forces were on the eastern bank of the Suez Canal, this vital waterway would remain closed. My summing up of the 18 days of debate and discussion at the special session was that there could be no lasting solution of the West Asian crisis without a basic understanding on the issue by the

U.S.A. and the U.S.S.R. That was true in 1967, and it continues to be true today in 1973.

A few days after my return from New York, I went to Cairo to see Nasser. This was the first time I had met him. He struck me as a man of great humility who had not permitted power to go to his head. He had almost absolute power, but he never behaved in an insolent or aggressive manner as some of the dictators are wont to do. He had not built palaces for himself, and was living in the same style as he did when as a young officer he overthrew King Faruk. Although one could see his passionate belief in Arab unity and his desire to modernise his own country and to be on the side of progressive forces, he did not indulge while talking to me in any high-sounding rhetoric. He realised that politics was the art of the possible, and he was prepared to face the realities of a given situation. But I found that he was not wholly his own master. He could not ignore the resurgent forces of Arab nationalism and the suspicion and hatred of Israelis in the Arab world. He was a chain-smoker, and was perfectly at ease himself, and made me feel quite at ease.

From Cairo I went to Yugoslavia where I had discussion with Marshal Tito at his island home in Brioni. Although fairly old, he appeared to be quite fit both physically and mentally. He lived in ideal surroundings, and his house was like a rustic retreat from the heat and dust of the events that happened outside. He was one of the most respected leaders of the non-aligned world and his advice was always listened to with great respect. He had strong views about what Israel had done, and did not mince words in giving expression to them. He was a great believer in non-alignment, and felt that the non-aligned countries could wield great influence if they were united. According to him, international problems should not be left to be decided solely by the two super powers, U.S.A. and U.S.S.R. but before any decision was reached the non-aligned countries should insist on their right to be heard.

There were two notable visits from foreign dignitaries to our country about this time. One was that of Queen Frederika, the Queen Mother of Greece, and Princess Irene, her daughter. She

was supposed to be a masterful personality, who overshadowed her son, the King of Greece. But I found her entirely different. She was modest, soft-spoken and did not appear to be addicted to the pursuit of power. When I talked to her about Greek politics, she said that she had nothing to do with them, and that she lived more or less in retirement. She and her daughter were vegetarian, and when I expressed surprise, she told me she had seen so much bloodshed that she could not countenance the shedding of animal blood for her personal delectation. She was on a sort of pilgrimage. Her primary intention was to visit various shrines and meet people who were recognised as saints or spiritual leaders.

The other visit was a very brief one. Dean Rusk was returning from Vietnam by way of Delhi, and he sent a message that he would like to meet me at the Delhi airport during his halt there. I immediately agreed. I found myself faced with the curious difficulty that at the Delhi airport there was no proper lounge, where I could receive a distinguished visitor from abroad. We had to make the best temporary arrangements we could for Dean Rusk. After his visit, I conveyed to the appropriate authority that a suitable international lounge should be built. And I am glad to find that now any Minister in Delhi can receive any distinguished visitor without feeling that the arrangements were not worthy of the reputation we enjoyed for hospitality and the proper observance of protocol. Dean Rusk discussed the Vietnam situation with me, and I explained to him what our Vietnam policy was. I found that there was no meeting ground between us; and he left me, I am afraid, with the impression that we Indians were a very difficult and a very obtuse people. Of course, according to him, the American point of view was the only right one.

Towards the end of August 1967, the Cabinet took an important decision with regard to its educational policy which, according to me, amounted to a complete reversal of the policy which I had pursued as Education Minister, and which had been accepted by the Cabinet. My policy was that the change-over from English to the regional languages in the universities ought *to be gradual, and must not impair educational standards*, and

that in the process of change-over the teaching of English should be strengthened and not allowed to suffer neglect. The Cabinet now decided that there should be a time-limit for the change-over to regional languages in the universities, of five years for under-graduate studies, and ten years for all stages. In my view, this decision was hopelessly impractical and harmful. The Education Commission had pointed out that the change-over should come about after careful preparation, and both the manner and the time of transition should be left for decision to the universities. The decision, in my view, was objectionable from two points of view: (i) it would result in a precipitate fall in the standards of higher education, and (ii) it would seriously impair, if not undermine, national unity.

With regard to the first, it should be said that there were very few teachers who were in a position to impart higher education in regional languages. There were no proper text-books in those languages, and the students would have to depend for their studies on books which would be badly and hastily translated for the purpose, or on cram-books which would flood the market. The switch would also do irreparable harm to the study of science and technology. The students studying science had to keep pace with new discoveries and developments and they could do so only if they were familiar with scientific journals and books which were published in the English language. Here, therefore, even the translation of text-books would not be of much avail. I had no objection to Hindi taking the place of English as a link language, and with the unifying attributes which English has. But the danger, with English having to be replaced by regional languages, and Hindi completely out of the picture, would be that the linguistic bond which contributed so much towards our unity might be snapped.

I was convinced that to keep silent over this decision would be to connive at it. It is true that the decision was taken by the Education Ministry, and in a sense I had nothing to do with it. But in a larger sense I was as much responsible for the decision *as the Education Minister. I was a firm believer in collective responsibility, and in my opinion, it was not permissible for a* Minister to say, "I have nothing to do with a particular decision.

I am not responsible for it. It is my colleague who has taken it, and he must bear the responsibility and suffer the consequences." Every decision of a government is a joint decision for which every member of the Government is answerable. If I had accepted this decision, it would not have been right on my part to criticise it in public. It is the duty of every Minister to support a decision taken by the Government in any field. My mouth would be completely shut, and even if publicly I refrained from supporting the Government decision on the language question, the public for its part would be justified in drawing the inference that I was a party to it and had accepted it. Silence would be consent.

Ministers cannot resign from the Cabinet merely because there are differences of opinion. If that were so, the work of a Government would become impossible. In most cases, a member of a Cabinet should accept the majority decision, and loyally abide by it even though he does not agree with it. But it would be both politically and morally wrong if a Minister while believing the question at issue involved a principle or was a matter of principle and a matter of conscience, should stick to his office and accept a decision which, according to him, was detrimental to national interest. Under such circumstances his duty is clear. He must resign on that issue, tell the public why he has resigned, and then consider himself free to criticise the concerned policy.

After a great deal of thought and consideration, I was driven to the conclusion that I had no other alternative except to tender my resignation as a Minister of Government. There was a great deal of heart-searching to go through. I was holding a very high and responsible post; I had held it for a very short time, and I had many plans which I wanted to implement. In September a meeting was scheduled between me and Gromyko in Moscow where we were to have important discussions with regard to the forthcoming session of the United Nations Assembly. I had to lead the Indian delegation to that session, and it was not easy to relinquish all this, and go into the wilderness. But individuals do not matter, and sometimes sacrifices by individuals are necessary in the national cause. I, therefore, wrote to the Prime Minister on August 31, 1967, and tendered my resignation, setting

out the reasons for my action. My letter and her reply will be found elsewhere in the Appendices.

I must say in fairness to the Prime Minister that she tried very hard to dissuade me from resigning, and she even asked Morarji Desai to see me and try and persuade me not to take this drastic step. Morarji spent about an hour with me. I reminded him that he had always told me that he believed in obedience to principles, and that one's conscience had always to be reckoned with. If my conscience told me that it would be improper to stay on in the Government, when I disagreed radically with its policy on what I thought was a vital question of principle, he should applaud my action rather than try to convince me to the contrary. I do not think Morarji had any answer to this.

After I resigned, it was suggested that the real reason for my resignation was not the educational policy of the Government but the fact that the Government had disagreed with the manner in which I had projected in Parliament and outside our West Asian policy, and also that there was dissatisfaction with the stand I had taken with regard to our relations with China. Both these suggestions were absolutely baseless.

With regard to West Asia, I had the full support of the Prime Minister, and every statement I made to Parliament was cleared by the Political Affairs Committee of the Cabinet. It is true that deep down I had a feeling that the Prime Minister could have intervened in the debate oftener, and that some of my Cabinet colleagues could have supported me more vocally. Undoubtedly, there was a section in the party which did not see eye to eye with me, and my colleagues might have thought that it was wiser to leave me to face the music alone rather than bring down upon their own heads the wrath of the Opposition or incur the displeasure of the members of their own party.

With regard to China, I had made no revolutionary suggestions. As I have pointed out, I had only taken the view that the impasse between China and India should not indefinitely continue, that we should not break off our relations with that country, and that a dialogue should be started which might ultimately result in a settlement of our differences. But at the same time I made it

clear that I was fully aware that at present China had given no indication of changing her hostile attitude towards our country. At no time did the Cabinet disapprove of the line I had taken, although there was some criticism in Parliament. I find that there is less criticism today and also less inhibition in advocating a policy of better relations with China.

Although I had sent in my letter of resignation on August 31 and although I had reminded the Prime Minister about it, I received no reply from her for some days. On September 5, I informed her that I was releasing my letter to the press. She asked me to hold my hand. But I replied that no useful purpose would be served by not acting upon my letter of resignation; and also it would not be fair to my successor to delay this action, as many important preliminaries had to be settled before the United Nations Assembly session started.

Till September 5, I worked in the Ministry as if nothing had happened. My resignation was still a secret, shared only between myself and the Prime Minister. I remember the draft of the speech that I was to deliver at the United Nations was put up before me and I carefully, solemnly, went through it, and made various suggestions and alterations. I did not want any official of my Ministry to have any inkling of what was going to happen within a few days. On the morning of September 5, a leading American correspondent of *Washington Post*, Warren Unna, accompanied by a journalist friend came to see me by appointment in my office, and stayed there talking for some time. After my resignation this is what he wrote to me:

> "I have failed miserably as a newsman, never detecting a whiff of coming events when Rossiter and I saw you the other day. We both left remarking how relaxed and delightful you were."

He was also good enough to add this: "I suppose there is nothing meaningful for a foreign visitor to say about your decision, but I do have something meaningful to say about my decade-long association. You have been one of the persons who make a reporter's life worthwhile. In every meeting with you, whether over your lunch table in Washington, at the U.N., or here in

your various offices in New Delhi, I have come away far richer. You have never ceased to educate me with human warmth as well as with the subject you are discoursing on."

In the evening that day there was a meeting of the Cabinet which I did not attend; and it was there that the Prime Minister broke the news that I had resigned, and that was why I did not attend the meeting.

And so this was the end of a chapter or really the end of the book. I wound up my affairs, and left Delhi about a week after my resignation though, under the rules, I was entitled to stay there for a month. I thought there was no reason why I should haunt the scene of my past glory. A leading newspaper commented on the scene at the airport when I left. All the officials of my Ministry were present. Various Ambassadors had also come. But as far as my colleagues in the Cabinet were concerned, not one of them was present. The only ministerial representation was the presence of my Deputy Minister. How different this scene was from the one that was enacted when Krishna Menon resigned! The whole Cabinet, headed by the Prime Minister, were present to see him off. But I should not feel bitter about it, because I quite realised that my colleagues felt that I was no longer of any importance, after I had ceased to be a member of the Government. I had no political base; I did not command any votes, and I had no status in the party. Why waste time in showing ordinary courtesies when no advantage could be gained from it?

But I must not be too ungrateful. By and large, the press and the public approved of the stand I had taken, if not on the language issue, at least on the issue of collective responsibility. I might be permitted to refer to some of these comments.

In the column "New Delhi Diary", C. S. Pandit wrote as follows in the *Sunday Standard* of September 10, 1967:

> "It is further stated that he (Mr. Chagla) selected the sensitive language issue not only because he was confident of the support of the intelligentsia, particularly in the non-Hindi areas, but because it would hurt the Prime Minister politically in the

south. To ascribe such motives to Mr. Chagla who has never been known to indulge in political manoeuvering is not only not fair but downright reprehensible, particularly in the present political atmosphere in the country."

He further commented under a sub-heading "Rare Conduct":

"Whatever political impact his (Mr. Chagla's) resignation may have, will not be of his seeking. During the entire period, between the submission of his resignation letter and its acceptance, he conducted himself with a correctness which is rare in Indian political life today. One can count on one's fingers the number of people in public places who are or have been willing to give up posts of power because of convictions. If anything, this action of Mr. Chagla's should raise him in public esteem."

Shiv Shastri wrote in the *Indian Express* on September 16, 1967:

"It is a tragedy for the country that Mr. Chagla has quit the Government. It would be no offence to anybody's ego to suggest that there are few persons—whether within or without the Government—who come even measurably near Mr. Chagla's understanding of the play of political forces in inter-state relations. There were critics of his style of diplomacy, to be sure, but their criticism displayed their own intellectual deficiency and lack of depth... A few days ago I was at a library where the library assistant happens to be a pious Brahmin. With tears in his eyes he said that some 'great men' ought to persuade Mr. Chagla to withdraw his resignation."

CHAPTER SIXTEEN

The Presidents, Prime Ministers and Parliament

DR. RADHAKRISHNAN was ideally suited to fill the rôle of the philosopher-king which Plato had described. He was undoubtedly a philosopher. He had drunk deep in the philosophic learning of both the East and the West. He had been a Fellow of All Souls, lectured on philosophy at Oxford with great distinction. One would have thought that the hurly-burly of politics would be anathema to him, and that he would rather take refuge in academic learning and meditate upon the vanity of life. But this was far from being the case with the ex-President. His feet were firmly planted upon the earth. Though his head might be in the empyrean, his ears were close to the ground. He knew everything that was happening in Delhi. He knew about the manoeuvres and the manipulations in the Congress Party. He knew what was going on in the Government, what the Cabinet discussions were about and what was the attitude of the Prime Minister and the other Ministers on the various questions that came up for consideration before the cabinet meetings. He knew who was on the way out of the Cabinet, and who was going to be in. He knew all the scandals, and how far they were true, and to what extent manufactured with ulterior motives.

He was always very kind to me, and I often saw him in his residence, Rashtrapati Bhavan. He used to meet me in his large

bed-room which he had converted into a real office. He would sit up in his bed with papers and books scattered all round. It was more like a scholar's room in Oxford than the majestic habitat of the President of India. He would talk to me about various things. The talk was delightful, as he could converse knowledgeably about things both mundane and sublime. I remember his telling me how close Nehru and he were to each other. He told me that very often Nehru would come into his room unannounced, sit down, stretch his legs and tell him: "I want some relaxation, and I can only find it in talking freely to you, and gathering your reactions to what has happened today."

About his innate simplicity and his dislike of ostentation I have already referred in an earlier chapter. He was very keen on music. He used to invite artists to a private performance and sometimes I had the privilege of being invited to these private gatherings. Towards the end of his tenure, he was a deeply frustrated man—saddened by what was happening in the country. He saw the growing corruption and the falling standards, and very often he gave strong and open expression to his views on public morality. Such candid criticism was often resented in certain quarters on the ground that the President was stepping beyond the restrictions and limitations imposed upon him by the Constitution. He, however, was convinced that as President he owed a duty to the people.

President Zakir Husain was quite different in some ways from his predecessor. He had no pretensions to philosophic learning or academic eminence at the level at which Dr. Radhakrishnan operated. But he was a man of great refinement and culture. He was a scholar of Urdu, and during the time he was Vice-President and also President he spent some of his spare time translating a play of Shakespeare into Urdu. He was fond of gardening and particularly, of roses, of which he had a fine collection, which he tended himself. As Vice-President, he showed exemplary patience and courtesy in the face of turbulent and tumultuous scenes which he sometimes witnessed in the Rajya Sabha. When the time came for him to retire, he told me quite emphatically that his nervous system had almost broken down, presiding over the Rajya Sabha. And whether he was elected

President or not, he would certainly not accept a further term of office as Vice-President. I remember when I resigned he sent for me, and complimented me on my courage and public spirit in giving up my high office. He said, whether he agreed or not with the reasons I had given for my resignation, I had set a very high example in political probity. He was very religious. But he knew well the distinction between being religious and being communal and sectarian, and his nationalism shone as a steady light throughout his life and career.

I knew all the three Prime Ministers well. Writing about Jawaharlal Nehru, I can only reinforce an image which many observers have sketched before. Most people who become Prime Ministers or Chief Ministers owe the adulations they receive from the people solely to the position they occupy. Nehru's case was quite different. He honoured the office of Prime Minister by holding it, and the Prime Ministership in itself did not add any further lustre to the reputation which he already enjoyed either at home or abroad.

If there is one word that describes the man's character as a whole that word would be 'Humanist'. Nehru was a humanist in the sense that he thought primarily of human beings, their difficulties, worries and anxieties, above Parliament, administration and all the trappings of civilisation. When he thought of the masses, he was not thinking of an abstraction but of the individuals that constituted the mass. He had power, immense power, but that did not diminish the interest he took in ordinary people, particularly children, and in human relationships.

He was not only a humanist but a radical humanist. He was also a rationalist. In his view, religion was an opiate which made men rely on the super-natural to solve their problems, when these should be solved by their own effort and the exercise of their free will. He hated rituals and senseless prohibitions and inhibitions as barriers to man's progress.

He was a true democrat. And though he often chafed at the slowness of the parliamentary procedure, and was often indignant at the way the judicial process slowed down progress, he never showed disrespect for either the one or the other. He

respected the rule of law and realised that it was the basis of every civilised society which gave to the individual citizen, high or low, a sense of security, as well as human dignity. He was a nationalist to the core, wholly free from narrow loyalties, and saw India as a whole and its people with all their differences as sharing a common heritage and traditions inherited down the centuries. He hated to suppress dissent. That partly explained his broad-minded humane policy towards the minorities. This policy has often been criticised, and it has been remarked that while he tried to bring about far-reaching changes in Hindu law, he pursued a policy of *laissez-faire* as far as the minorities were concerned. But it is perhaps the humanist in him that revolted against applying compulsion against the minorities which he had applied in the case of his own community. With all the power he had as the undisputed leader of his country, he never acted as a tyrant or a dictator. The humanist in him always stood guard against any temptation to use power intemperately, or to hasten progress by rough or brutal methods, even when such progress was eminently desirable.

When I joined the Cabinet, I was told by one of his colleagues that the Cabinet meeting was just a formal affair which did nothing except register the Prime Minister's will and that everybody said 'yes' to whatever Nehru proposed. As I found out, this was grossly unfair to Nehru. It is true that he was short-tempered. He sometimes resented criticism and opposition, especially when he thought that the conclusion he had reached on a particular question was the only possible one, and there could be no argument. But, if his colleagues persisted and had the moral courage to stand up to him, he would quieten down, begin to listen to what was being said, and even change his point of view. I myself had this experience on many occasions. Whenever I put forward a proposition which differed from his thinking, he would first get angry, use his favourite exclamation of impatience, "What do you mean?" and try to silence me. But if I held my ground he would listen and take into account what was being urged in making his decisions.

Almost the very day or the day after I became Education Minister, I found on going through a file that the Prime Minister

was scheduled to go to Agra to inaugurate a leprosarium to be housed in a building which would stand next to the Taj Mahal. Funds for this were being provided by people from Japan, who had made a collection for the purpose. I was horrified at the prospect of a leprosarium standing by the side of the Taj. The Taj is one of our greatest monuments, and the whole world would be scandalised to learn of the way we had treated this monument, if we happen to set up next to it a home for lepers. I could imagine what American visitors, for instance, who are so anxious and careful about their health, would feel, at the possibility, even though it may be remote, of coming into contact with people suffering from what they think of as a fell disease. Moreover, this would give Pakistan a wonderful opportunity for carrying on hostile propaganda in the Muslim world, about the sacrilege we had committed to a historical mausoleum, which would no doubt be described as a Muslim monument. I was convinced that this should be immediately stopped. The inauguration ceremony was to have taken place within the next three or four days. I rang up to enquire where the Prime Minister was, and I was told that he was in the Lok Sabha. I rushed there with the files, sat down next to him, and told him there was something very urgent I wanted to discuss with him. He said, "What is it?" and I told him about the proposed leprosarium. He became very angry. "What was your Ministry doing? Why did they not point out all this to me? All arrangements have been made, and I cannot cancel this as it would cause great offence to the Japanese Government." I tried to calm him down, and reminded him that I had just taken charge of the Ministry, and I was not responsible for what it had done before my time. I suggested to him that I would get into touch with the Japanese Ambassador and see what could be done. He agreed.

I had a long talk with the Ambassador, who protested that the foundation stone had already been laid, and the Japanese people were looking forward to the ceremony of inauguration at the hands of the Prime Minister with great eagerness and pleasure, and it would have serious repercussions in Japan if

any alteration was made in the arrangements, which he himself had attended to with great care. I suggested that the foundation stone could be laid somewhere else, and we could find some other spot in Agra which would satisfy the requirements. He would not listen to any argument which suggested a change of location. Ultimately, it was agreed that the leprosarium should not be used for treating lepers, but should only function as a sort of laboratory to do research into the causes of, and remedies for, leprosy. If they treated any lepers at all, it would be as in-patients, and no out-patients would be permitted. Though I was not wholly satisfied, I thought this to be a reasonable solution.

I often stayed with Nehru, and after I joined the Cabinet I lived with him for about eight days till a separate house was found for me. When I said goodbye to him, he asked: "What is the hurry? You could have stayed on here. We will miss you." I reminded Nehru of the man who came to dinner, and that he (Nehru) would soon be wondering as to when I would relinquish my temporary abode.

From his actions and his demeanour, one might conclude that Nehru had no feeling where individuals were concerned. But I know that he did entertain strong feelings, though he always tried to hide them, as he did not believe in making a demonstration of what he felt. In my own case, I knew that he had regard and affection for me, though he never showed it in any manner. I knew this was so from some of the incidents in which we figured together, and which I will now relate.

When I first went to stay with him, I reached his house at about 10 o'clock at night. I was shown my room; and I told the bearer that I would like to call on the Prime Minister who was working in his office. I might mention here that Nehru never left his table till about one or two in the morning. Every file which was placed before him was disposed of and every letter that had to be replied to was dictated to his stenographer before lights were switched off. I wrote several letters to him, and I always found that the reply was dictated the day he received the letter. People do not realise that he was a first-class administra-

tor. He gave his full mind to the problem in hand, made his decisions, and put it out of his mind, and turned to another which was also dealt with, with the same vigour and precision. What a contrast to what is happening today! Letters are not replied to for months, and they are not even acknowledged. I have the same experience of writing to Chief Ministers on important matters and waiting patiently for a reply for months on end. With regard to files, Ministers do not think that it is an important part of their duty or responsibility to deal with them promptly. They are more concerned with politics or with finding out which way the wind is blowing, and of deciding what postures and attitudes they should adopt in order to further their own interests.

To go back to what I was saying about Nehru, the bearer replied: "No, Sir, the Prime Minister himself will come down and see you", and to my surprise the Prime Minister left his work, came down to my room, welcomed me personally, sat with me and talked for about fifteen minutes and then went back to his daily, and no doubt dreary, routine.

Nehru kept an excellent table. The meal most eagerly awaited was breakfast, when Nehru's friends used to drop in uninvited, and then sit down to share the breakfast with him. Nehru talked very little. He was often lost in thought, or so it seemed. But at the same time he listened to whatever was being said to him. He kept in touch with public opinion through the reports which he received from people in whom he had trust and confidence. He was the soul of punctuality. After breakfast he would meet a crowd that always collected on the porch, say *namaste* to them, and exchange a few remarks with some of the men there. And then he would step into his car to go to the External Affairs Minister's office. He had an Indian non-vegetarian *thali* at lunch, while dinner was served in Western style. His social secretary once told me that when I stayed with him he enquired everyday whether I was being properly looked after, whether I had my tea served in time, and whether all my comforts were seen to.

The last time I saw him was before I went to a Security Council meeting. We had a meeting of the Cabinet in his house,

and from time to time he looked at his watch to make sure that I left in time to catch the plane. I was engrossed in the business that was being discussed, and he practically drove me out of the house saying: "You must now leave". He came to the door to see me off; and that was the last time I saw him. When I returned from New York I wanted to go and make a report to him on my mission, but he was leaving for Dehra Dun for a holiday within a day or two, and I said to myself: "I won't trouble him now. I will see him after he returns from his badly needed rest." He came back, and I think, it was the very next day when I was having my lunch that my secretary rushed in to tell me that the Prime Minister had passed away. I have never forgiven myself for not seeing him immediately after my return from New York.

Nehru was most considerate to his colleagues. I do not remember a single occasion when I asked for an appointment from him and it was not given on the same day. He might have a very busy schedule, but he always found time to see his colleagues. It may be any part of the day or night, he would set aside at least fifteen minutes for the interview, when one was asked. He knew the art of saving time, and doing as much as possible within the 24 hours which is all that a man has for doing his work in one day. He was never discourteous to anyone who came to see him. If he found the conversation interesting or useful, he was all attention. But when he found that his visitor started indulging in small talk or in irrelevancies, he would not ask him to leave, but assume a look which made it clear to his interlocutor that it was time he left. A leading socialite in Washington once told me that she had met Nehru, and he was very discourteous to her. I was surprised. I asked: "Why did you want to see him?" She said, "Nothing in particular. I just wanted to have a chat with him." I said: "Madam, the Prime Minister of India is a very busy man, and if he spared time for chats, he would never be able to go through the work which he expects to dispose of everyday. It was not discourtesy on his part but only a reminder to you that his time was important."

Towards the end, we all knew that he was a sick and tired man. But he kept on working in the same old way without relaxing the rigour of the regimen which he had imposed upon himself, or without losing the hold which he had on the reins of power.

Lal Bahadur Shastri was different from Nehru. No one in such high office ever displayed such modesty and humility. It was not something put on like a garb for public display. It was something innate in the man. He fully realised that he was stepping into the shoes of a great man who strode the stage like a Colossus and that he had neither the qualities nor the upbringing which would make it possible for him to play the same distinguished rôle that Nehru had done. But Shastri's distinction lay in the clear realisation of this fact, and in his acting in a manner well suited to the limitations of his character and personality. I remember once in Parliament there was an acrimonious debate about Ministers going about in large imported cars. Shastri was quietly listening to what was being said. Suddenly he got up and remarked: "Sir, I never go about in a large car, because I am so small that if I sat in it nobody would notice me". The House burst into laughter, and peace was immediately restored. This was typical of the man. He was not ashamed of his small physical stature, and knew that it had nothing to do with the political or moral stature which in due course he did acquire.

He was a great believer in consensus. He thought it wrong, both politically and morally, to ignore the views held by the Opposition or by a minority section in Parliament. On every important issue he would hold consultations with opposition leaders to try and see if he could evolve a decision which was acceptable to as large a section of Parliament as possible.

I remember when the Aligarh University Bill was being discussed in Parliament and Muslim feelings had been roused to a pitch of fanaticism. he was very much worried about the action I was taking. He used constantly to ask me: "Are you sure that you are doing the right thing? We must not alienate the minorities. We must carry them with us." And I would assure him that what I was fighting for was an important principle, and the nationalist section of the Muslims was wholly with me. One

Friday morning there was a Cabinet meeting before Parliament assembled. On that day Parliament was to resume the debate on the Aligarh Bill which had commenced on the preceding Thursday.

When the Cabinet meeting was over, Shastri called me to his side. He said: "I have had a request from several Muslim members that the debate should not continue today, as it was a Friday and the members wanted to go for their prayers." He asked me whether I would not consider this request and adjourn the debate. I told him that Parliament had never adjourned on any Friday that I knew of and that it would set a very bad precedent. Other members would also ask for suspension of Parliamentary business on their own important festival days. I could see that Shastri was not very happy at my reply. He said it was a small thing, and I should not unnecessarily irritate the Muslim members of the House. But I was adamant and, much to his displeasure, Parliament continued discussion of the Aligarh Bill on a Friday. I am mentioning this incident just to underscore the point that Shastri's attitude towards the minorities was not politically motivated. He was not thinking of their votes or of the strength that his party might acquire by the support of the Muslim community. He was genuinely anxious that there should be the most cordial relations between the two communities, and that both should put aside any differences or misunderstandings that they might have had in the past.

At Cabinet meetings he would ask every member to express his personal views. He would listen to them quietly and attentively as they were being expressed. Finally he would sum up, and suggest a solution which might be acceptable to all the members.

Shastri was quite sincerely a man of peace. But when the 1965 war broke out with Pakistan, he showed that he could also be tough and tenacious in waging a war which had been thrust upon us. The saying goes that "those who came to laugh stayed to pray". In Shastri's case, those who used to jest about his unimpressive exterior and his humble ways, suddenly realised that

there was the stuff of greatness in him; and while the war lasted he became immensely popular—almost an idol of the people.

Shastri signed the Tashkent Declaration with considerable misgivings; but he signed it because he felt that war between the two countries was an evil thing. He realised what human suffering it entailed, and he wanted to put an end to it even if it meant some sacrifice on the part of India. He knew that when he went back home he would have to face an angry Parliament and a resentful nation. When he responded to the call of peace he did so without thinking of his own future.

His simplicity and humility may be illustrated by one single incident. There was a motion picture show, "My Fair Lady" at a Cinema House in Delhi in aid of some charitable or educational institution. Shastri and I were invited to it. I was sitting next to him and I could see that he was enjoying the performance thoroughly. According to schedule he was to leave at the interval which was half way through the film. When the interval came he turned to me and said, "Do you think it would be improper if I sat through to the end? It is a wonderful picture." I said: "Even the Prime Minister of India is occasionally entitled to have a little fun. Of course, you must stay on." He did, and I was glad that he took some time off from his files and the interminable appointments that were awaiting him.

It is rather difficult and embarrassing to speak of someone whose colleague you have been, and who still occupies the high position of Prime Minister of the country. Prime Ministers have always to face a blaze of publicity, and every adverse remark is picked up by the foreign press and given an importance which it does not deserve. I will, therefore, try and be very careful in what I have to say about Indira.

I had met her several times before we first became colleagues. She had stayed with me in the U.K. High Commissioner's residence when she came with her father who was in London for the Prime Ministers' Conference. She struck me as very shy, not at all talkative, rather overpowered by a sense of the eminence of her father. Later, I saw her functioning as the Minister for Broadcast-

ing. She hardly ever intervened in a debate on her Ministry, or answered questions relating to it; she left it to her Deputy Minister. After she became Prime Minister, she used to sit next to me in the Rajya Sabha, as I was the Leader of the House. I remember she was in charge of the portfolio of Atomic Energy, and when she was in the House to answer questions regarding this subject, she would always ask me whether her question was likely to be reached. There was no difficulty in answering the question as the answer was prepared by the Ministry. But the rub lay in the supplementary questions which are usually fired at the Minister. And what she was really worried about was the supplementary questions. I fully sympathised with her, because it was not fair to expect that she should have any deep technical knowledge of this highly intricate subject. When it was about five minutes to 12 and I told her that there was no possibility of the question being reached, she would heave a sigh of relief, gather her papers and walk out of the chamber. Even in her speeches, she made considerable use of written notes, with the result that they were not as effective as they might have been.

Her evolution as the undisputed leader of the country is, to my mind, an amazing feat. She has become an eloquent and powerful speaker, and her interventions in debates are always to the point, and very often devastating in effect. The father was a great statesman but not much of a politician. But the daughter shows a mastery of political strategy which even the most finished practitioners of the art of politics might envy. By methods which might have been ruthless, which would certainly not conform to the Gandhian standards of political morality, she neutralised all opposition to her, annihilated all the leaders of the Old Guard who had held the stage in the past, toppled Chief Ministers who appeared to be unshakable in their seats of power, and appointed in their places men of her own persuasion and choosing. It was amusing to read time after time that a State Congress party meeting was held, and that it was unanimously decided that the leader to be elected should be the person who may be nominated by the Prime Minister!

Today she is undoubtedly one of the most powerful rulers in the world, perhaps the most powerful. There is probably no ruler whose authority within his country is so unquestioned as hers is in India. All power is concentrated in her hands. What she says is law. There may be formal consultations with her colleagues, but she realises, and they realise, that ultimately it is her writ that runs throughout the land.

Her critics and detractors thought for a while that she was only a politician, playing a political game for her own aggrandisement, and holding fast to the power she has acquired for its own sake. But the recent Indo-Pakistan war saw her emerge as a statesman of the highest calibre. She handled the war with consummate dexterity and remarkable statesmanship and I have nothing but admiration for the way she stood up to the American sabre-rattling and blackmail. Her unilateral declaration of cease-fire was a master stroke, which raised the stature of India in the international community to a height which the country had rarely reached before. And as I am writing these words, there is news of the Agreement she has succeeded in bringing about with Pakistan at the Summit conference in Simla, a veritable feat with which she has crowned her previous success in Bangladesh. I have never known another case in which a person has been transformed with such dramatic suddenness from a mere novice to a master craftsman.

But there is always another side to a success story. And I must not draw a picture which is all sweetness and light. There are also black or gray spots which I must point out. The concentration of power in the hands of a single individual is always detrimental to democratic processes and parliamentary institutions. It is rare for such an individual to show moderation and tolerance and resist the temptation of adopting authoritarian methods and assume that all political wisdom and sagacity resides in her alone, and there is no necessity for consultation or listening even to well-intentioned criticism.

The future of India will largely depend upon how she uses her power. If power can mellow her, make her a little less tough and more gentle and forgiving, she can open a grand new chapter in

our history, because she has no *alibi* now. She can no longer say that she has no absolute majority in Parliament or that she is dependent upon the support of any other Party to implement the promises she has given to the people at the last general elections. If she fails, the failure would be entirely her own. If she succeeds, the credit will also be her own, and she will go down in history as one of the country's greatest benefactors, perhaps the country's saviour at a critical stage in its evolution.

Although I suffered moments of tension and had to face violent and often ill-informed and unfair criticism, while I attended Parliament as a Minister, I enjoyed every minute of my parliamentary life. I enjoyed the thrust and parry of debate, and particularly the challenge of the question hour when the Minister is on his mettle. The Minister has his answers prepared by the Ministry on his 'pad' and the 'pad' also contains what the officials think might be possible supplementary questions. But the ingenuity of the Opposition can sometimes outrun the anticipation of the Ministry. The Minister would be bombarded with searching and awkward questions from the Opposition and from the cross-benches. He has to think on the spot; and I rarely resorted to the familiar device adopted by Ministers when they are in difficulty—saying "I want notice of this question". Some of the stormiest and most hectic minutes I spent in Parliament were all during the question hour when I had to use all the mental agility I possessed and all the equanimity I was capable of, to fight off the offensive which the opposition mounted from time to time with skill and cunning.

In Parliament, a storm could suddenly blow up without any warning. The sky would become overcast, and there would be thunder and lightning. And equally suddenly the storm would subside, the sky would clear up, and there would again be bright sunshine. One had to study the moods of Parliament. But, on the whole, there was a friendly atmosphere, and a Minister who was honest, and did not keep back anything from Parliament, and admitted his mistakes if he had committed any, was always sympathetically and generously treated by both the Houses.

Before the last general elections, the men in opposition and on the cross-benches possessed great talent, and in debating capacity and eloquence they were certainly superior to those sitting on the Treasury Benches. In the Lok Sabha we had Hiren Mukerjee who, though he always denounced my "English" policy, was a Professor of English in Calcutta and spoke in chaste English, with perfect enunciation, and with great eloquence. There was also Vajpayee, the leader of the Jana Sangh, who was for some time in the Rajya Sabha and had later come to the Lok Sabha. He was one of the best speakers I have ever heard, either in English or in Hindi. I remember S. A. Dange, who never failed to show his dialectical skill, or Madhu Limaye, one of the most sincere and hard working of politicians. I had occasion later to cross swords with Limaye in the Supreme Court. He had been arrested in Bihar in the course of some agitation, and he was challenging his arrest. I was briefed on behalf of the Bihar State. I admired the skill and acumen with which he argued his case, and his profound knowledge of criminal law and practice, which can only be attributed to the hard work he had put in in studying his case. I was glad that he won. Then there was Masani, who had plenty of facts and figures at his command and who marshalled them well and was always able to make out a strong case against the Government on any subject which he handled. Vishnu Kamath was a master of parliamentary procedure, and no omission or error ever escaped his careful study of the papers. I remember once how I was myself caught out. It was a simple matter of placing some papers on the table, and up rose Kamath in his seat on a point of order. I was somewhat startled, and could not understand how there could be any point of order on a mere presentation of papers, but Kamath had found one. There was some delay which was contrary to the rules. I told the Speaker that I was sorry I had not noticed it, and immediately apologised to the House and to Kamath. I cannot forget Nath Pai, who could be aggressive and sarcastic, and who couched his speeches in well turned phrases.

On the cross-benches there was J. B. Kripalani, who was known as "Dada", and who was respected and to some extent feared by all sections of the House. In his own characteristic, slow

and measured style he could be most devastating. Dr. L. M. Singhvi was also an independent member, and one who was profoundly learned in constitutional law and parliamentary practice; his contributions to the debate were always weighty and useful. Frank Anthony, the Anglo-Indian leader, was a very good speaker, but I am afraid he had a chip on his shoulder and watchful and suspicious to discover minority grievances where there were none. I do not think I have mentioned all those who were an asset to Parliament, and I should be forgiven for any omission I might have made, which certainly is not deliberate, but simply due to the failing memory of one who has passed his seventh decade of life.

In the Rajya Sabha, we had Ranga, Dahyabhai Patel, Lok Nath Mishra, all fierce opponents of the Government and, of course, the ebullient and unique Raj Narayan. He could turn the simplest debate on the most uncontroversial subject into a stormy one. He has now ceased to be a member of that body, and I think the Rajya Sabha is in a way all the poorer for his absence. When Mr. Giri, our present President, was Chairman of the Rajya Sabha, it was highly entertaining to witness the passage-at-arms between him and Raj Narayan. Giri was a match, both physically and intellectually, to that redoubtable representative of the Socialist Party. Soon after Giri was elected Vice-President, I went to call on him. In his opinion it was absurd for the Vice-President to be Chair man of the Rajya Sabha. These two offices should be separate. He confessed that he was already feeling the strain. I laughed it off and told him that this was only the beginning, and he had still a long way to go.

When I entered Parliament as member of the Rajya Sabha, Chavan was the Leader of the House; but soon after, he went to the Lok Sabha, and I was appointed Leader. As Leader, I used to think it my duty to observe the performance of Ministers of State and Deputy Ministers and also members of the Congress Party. And I was struck by the fact that some Ministers of State who should have been in the Cabinet, were not there because they had no God-father to sponsor their case or they had no political base

which could justify their inclusion in the Cabinet. On the other hand, there were Ministers whose performance was so disappointing that I used to wonder how or why they ever came to hold such high office. Again, there were promising young men in the Party who did extremely well, who took care to study the subject on which they spoke, and who proved themselves to be effective, and sometimes eloquent debators. Some of them should certainly have held a ministerial post; but they were ignored for the same reason that deserving Ministers of State did not find entry into the Cabinet.

I should like to refer briefly to some of the more exciting or remarkable incidents that took place when I was in Parliament as Minister. The most sensational and the one which started a most acrimonious debate was the case of Svetlana, Stalin's daughter. One morning when I went to my Ministry as usual at 10 o'clock, T. N. Kaul, who was one of the Secretaries, said to me in a voice full of agitation, "Sir, Svetlana has defected to the United States . I asked in some surprise, "Who and what is Svetlana?" I must confess I had never heard of the young lady; I had never set eyes on her, and was completely ignorant even of her existence. Kaul then told me the whole story; how she had come to India at the invitation of Dinesh Singh. It would appear that she had married his uncle, who was no more, and had wanted to immerse his ashes in the Ganges. She wanted to see the place where her late husband spent his life before he took up his residence in the U.S.S.R. There was a clear understanding that after a short visit to India she would return to Moscow which was her home.

I might repeat that as Stalin's daughter she was a very important citizen of Russia and the Russians naturally attached the greatest importance to her continuing to live in her own country. As a matter of fact, it was with considerable hesitation and a great deal of deliberation and an assurance about her security here, and also after they were fully satisfied that she would safely come back to Russia, that the Russian Government agreed to the visit. When her visit as planned came to an end, it was found that she was anxious to stay on in our country. But her visa could not be extended as the Russian Government,

which obviously had its own suspicions all along, wanted her back. She returned to Delhi from her husband's home town or village to prepare for her return to Moscow. She reported at the Russian Embassy, and she was asked to stay in a hostel attached to the Embassy under, presumably, the surveillance of Embassy officials. The Russian Embassy, however, committed the incredible folly of giving her her passport, and asking her to come to the airport the next day for her flight to Russia.

As soon as she got the passport, Svetlana, unobserved, walked across to the American Embassy and obtained a visa for the United States, which the American Embassy was entitled to give as she held a valid passport. On the strength of this visa she flew to Rome, and then ultimately reached the United States. I remember the Russian Ambassador, who was a very able diplomat and with whom I was on the best of terms, coming to the Ministry, foaming at the mouth. He was sure that we were guilty of a breach of faith with the Russian authorities, that we had not done all we could to prevent her defection, and almost suggested that we were a willing party to it. I calmed him down, and pointed out that Svetlana was no longer under our care; the Russian Embassy had, as it were, taken her over, and they were responsible for the escape in that they handed over the passport to her, and failed to keep a strict guard over her so that she could not leave the hostel without their knowledge. I had also a visit from Chester Bowles, the American Ambassador, who took the position that his embassy had nothing to do with the defection, and that it had merely given a visa to a person who held a valid passport, as it would as a matter of course. Of course, there is no doubt that the American Embassy did think that Svetlana was a wonderful prize, worth capturing.

There were turbulent scenes and a furious attack in Parliament, more particularly in the Lok Sabha. The leader of the attack was Dr. Lohia, whom I should have mentioned earlier. With his German training, his sharp and subtle mind, and a deep knowledge of politics, he was a power to reckon with. He was strongly anti-Government, and even more strongly anti-Prime Minister. He had an eagle eye for possible errors and lapses—sometimes saw them where none existed—and then used

them to his utmost advantage and extracted from it every inch of debating advantage that he possibly could. His charge against the Government with regard to the Svetlana affair was that Svetlana wanted to make India her home, that we had deliberately driven her out, and that we were even a party to the American conspiracy to smuggle her out of the country. He insisted that Svetlana had written letters to members of the Government, expressing a passionate desire to acquire Indian citizenship, and that we were suppressing these letters. Of course, Lohia was supported by other members of the Opposition, and the debate lasted for almost three days. Strictly, Svetlana was not my affair, but I was compelled to hold the baby, and thus become the centre of violent attacks and fierce criticism. Even a motion of breach of privilege was moved against me for not giving Parliament the true facts, as the critics saw them, but fortunately it all came to nothing. The man who had played the most important role in this drama was Dinesh Singh, but he was content to leave the matter in my hands, and even refused to intervene in the debate until Morarji Desai, who was the Deputy Prime Minister, turned to him and said, "You will have to speak".

There was another incident which also aroused fierce controversy and which subjected me to a savage onslaught from all the pro-Hindi sections in the Lok Sabha. It was a relatively small matter connected with the Institute of International Studies. A student wanted to submit a thesis in Hindi, and the Institute had rejected his request on the ground that, first, the student knew English, and could submit his thesis in that language; secondly, there were no teachers or professors who could examine the thesis in the Hindi language; and, thirdly, there were no facilities for work and study in the Hindi language in the Institute since the books the students required were all in English. I should have thought that these reasons were a complete answer to the charge that I was anti-Hindi, and that I did not recognise the fact that Hindi was the official language of the country. I stuck to my guns, and gave an assurance that we would see what facilities could be provided in the Institute for those who wanted to submit their theses in Hindi, but I pointed out that this was not a *bona fide* case but was a purely political move, as the

student was quite familiar with the English language, and there was no reason why he should not have written his thesis in English.

Mr. C. Subramaniam had also briefed me to defend him in the Rajya Sabha when members in the House wanted Subramaniam to resign as a result of the Report of the Public Accounts Committee in connection with certain steel deals. I had the feeling that I was arguing a case in court as a lawyer, rather than as a parliamentarian. This was in a sense true as the charges against Subramaniam were serious since they involved mala fides and corruption. I defended him with all the forensic skill that I possessed, and I hope I satisfied the House that there was no *prima facie* case against him.

I also got into trouble when, in answer to a particularly violent tirade by Nath Pai against the Government which, in my opinion, reflected not only upon the Government but also upon the reputation of the country, I said: "When I heard Mr. Nath Pai's speech this morning I admired the eloquence, the barbed wit, the poisoned dagger with which he tried to stab the Prime Minister and my humble self, and I said to myself that these great qualities might have been used for more worthy causes. He should have used these qualities to praise our country, to fight the enemies of this country to show to the world how often India has been misunderstood. Sir, I have sat on the Treasury Benches for the last four years. I have seen character assassination in many of its manifestations. I have seen character assassination of Ministers, of members, of institutions. Today I have heard with sorrow and dismay character assassination of our country indulged in by Mr. Nath Pai."

To this remark there was a violent reaction in the House; members of the Opposition jumped to their feet, and Nath Pai told the Speaker that I was guilty of gross breach of privilege in alleging that he was unpatriotic. I looked on at the turbulence quietly for some time, and then I got up and told the Speaker that I had never suggested that Nath Pai was unpatriotic. I assumed that every member of the House, whatever his views, was patriotic. But if what I had said lent itself to the interpreta-

tion that Nath Pai had put upon it, I unreservedly withdrew that expression. The House calmed down and the debate proceeded.

There was also a small point about Bhutto which cropped up. This was in answer to a question in the Lok Sabha. It fell to my lot to reveal that between 1947 and 1958 Mr. Bhutto had attempted to assert his Indian nationality with a view to retaining his properties in India, and simultaneously to claim in Pakistan that country's nationality too to secure compensation for his properties declared evacuee properties in India. I described Bhutto's conduct as a case of double loyalty, besides being one of double-speak and double-think. I added the comment that Bhutto, in my opinion, was as much a psychological as a political case.

I was also a member of the sub-committee of the Cabinet which had to consider certain serious charges brought against Biju Patnaik, who was at that time the Chief Minister of Orissa. I had to defend the report before Parliament. I said that although the committee had not found Biju Patnaik guilty of any misconduct or misappropriation of public funds, it had come to the conclusion that Patnaik was not worthy of holding any high office. Although the House was dissatisfied with the first part of the report, they appreciated the conclusion which would practically compel Patnaik to withdraw from public life, or at least would ban him from holding any office.

The Orissa affair gave rise to an interesting question regarding the rights and privileges of members of Parliament. Mr. Kamath had obtained a copy of the C.B.I. report on the Patnaik affair. He would not disclose the source from which he had obtained it, but he authenticated it as genuine. The Government refused to place on the table of the House a copy of the report, and the question was whether Mr. Kamath could refer to the report. About this I said: "What would a man who believed in high standards of administration have done? He knew perfectly well that this was a stolen document. He knew that the man who handed over the document to him had committed an offence. If I were in his place, and I believed in high standards of administration, I would have handed him over to the police." The Speaker ruled in favour of Kamath that he was entitled to use

documents treated as confidential by Government provided they were authentic.

There was also a furore in Parliament over the alleged flow of C.I.A. funds into India and its repercussions on political life here. Various charges were made against leading citizens and men holding high offices. I promised a thorough enquiry into C.I.A. activities, but insisted that the enquiry should not be confined to the alleged flow of American funds alone but extend it to the use of funds from all foreign countries, funds which might have been utilised against national interests such as influencing elections or for other similar objectionable purposes. I said: "I am not concerned who is involved, which party or which country."

I also got involved with Dr. Lohia on the question of the boundaries and the area of this country. Dr. Lohia complained that there were discrepancies in the area of the country as it appears in the publications of the Government of India and the United Nations, and he moved a motion of breach of privilege against me. The matter should really have been dealt with by the External Affairs Minister, Swaran Singh, as I was then Minister for Education. But, as the Survey of India was under me, and as the question would involve him in a veritable storm, he wisely passed on the question to me to be dealt with. I spent hours with officials of the Survey of India, trying to understand technical questions relating to boundaries and measurements of the areas. But Lohia remained dissatisfied, and continued to believe, or gave the impression that he believed, that the Government had practised a fraud upon Parliament and the people of India.

I once happened to cause irritation to Sachin Choudhury, who was the Finance Minister and a great friend of mine. There was a violent scene in the Raj a Sabha, and not only members of the Opposition but even some members of the Congress Party launched an attack upon Bhoothalingam, who was then Finance Secretary under Sachin Choudhury, who was, as it happened, sitting next to me, while I watched the scene as Leader of the House with growing anxiety. I would not have minded the attack from the Opposition, but when members of our Party joined in,

it was entirely a different matter. Sachin stoutly defended Bhoothalingam, and refused to yield to the demand of the House for an inquiry. The atmosphere was getting surcharged, and the situation was taking an ugly turn. I thought it was time for me to intervene. I got up and informed the House that I would convey to the Prime Minister the strong feelings on the subject expressed by all sections of the House. Calm was restored, and everyone seemed to be satisfied. Sachin was furious with me, and told me I had no business to interfere with the affairs of his Ministry. I maintained that I had the right to interfere as Leader of the House. When I found that our own party was in open revolt, I could not sit quiet. I had to say what I did, which in no way reflected on the merits of the Bhoothalingam case.

When I retired from the Ministry, I thought that I would say goodbye to public life also, but it was not to be. Although as a private member of the Rajya Sabha I had relatively little work to do, I always made it a point to be present when an important issue was under discussion, and try to make my contribution to it.

When the Award of the Kutch Tribunal was placed before the House, I made it plain that it did not conform to the assurance I had given to Parliament when the dispute was referred to the arbitration of the Tribunal. I had expressed the sincere hope that the judgment of the Tribunal would not be motivated by political considerations, but would be delivered according to the facts placed before it, and according to justice and equity. I went on to add that the Award that had been given was definitely motivated by political considerations, that although the facts as pointed out in the minority judgment clearly established that Pakistan was not entitled to certain areas which had been awarded to it, yet the Tribunal in order not to completely alienate Pakistan and thus prevent the establishment of good relations between the two countries had given territory to Pakistan to which in justice and equity she was not entitled. I reminded the House that we had declared that we would not accept the Award, if we thought that in the eye of the law it was a nullity and without jurisdiction.

vicious principles that Pakistan has stood for. It has stood for military dictatorship, military tyranny, hostility towards India, the two-nation theory, destruction of democratic rights and every principle which is enshrined in the United Nations' Charter." I repeated that Pakistan was conceived in sin and was dying in violence.

Finally, I strongly opposed the 24th and 25th Constitutional amendments introduced by the Law Minister, Mr. Gokhale. I confessed that it was to me a sad spectacle, an ex-Judge delivering the funeral oration on and performing the obsequies of Fundamental Rights which had been guaranteed to the citizens of India under the Constitution.

CHAPTER SEVENTEEN

Personal

IF winter comes, can spring be far behind? But that is the winter of man's discontent, not the winter which precedes total darkness. For such a winter there is no spring, only a period of waiting till everything disappears, even the fragrance of roses which one cherished till the end.

So the story has been told, a story of many heartaches, but also of glimpses of happiness. That is the life of man, a mixture of sunshine and shadows, depression and elation, joy and sorrow.

What has life taught me? It has taught me to be kind and compassionate, and to understand and not to judge; to "connect" in the sense of the famous expression of Foster; to build bridges across misunderstandings and conflict so that man and man and nation and nation should not stand apart. It has taught me that the greatest philosophy of life is the philosophy of non-attachment—not be attached to life, and all that pertains to life, so that when the end comes the wrench is not too great.

I was religious and had faith when I was young. I used to say my prayers and observe the rituals of my religion. But as I grew older, reason took the upper hand, and I found that I could not accept or believe anything unless it passed the test of reason. Gradually, I found that prayers did not satisfy, nor did they answer the questions that arose in my mind and the doubts that grew more and more insistent. Rituals lost their significance, and

and golf, with the exception perhaps of bridge, which only emphasises the fact of introversion. It is a game which one plays with one's mind. The mind, unfortunately, has been too much with me. When I am not working, I am reading or playing bridge. I hate walks. I hate drives. They bore me to extinction. I enjoy them only if I have a pleasant companion, and then again it is a question of the mind. I am not observing or enjoying the scene while I am on my walks; I am enjoying the conversation. When I played golf, which I did very badly with my brother judges, I always hit a very straight ball but it never went beyond 50 or 60 yards. They used to tease me by saying that I have always followed the straight and narrow path in my life. But they did not realise how dull and drab that path could be. All the joy and fun lies in the deviations from that path, and although I cannot truthfully say that there have been none in my life, they have been very few and far between. Altogether I have been too serious and solemn, whether at Oxford or at the Bar or in politics or in office, forgetting that the passing hour never comes again. And if you fail to use it not only for work but also for pleasure, you will have to regret in your old age that you missed the fun and the gaiety which might have been yours in the bygone days.

I am terribly sensitive, almost femininely so. I may be jovial and talkative in company, but if something is said or something happens which is not to my taste, I would suddenly relapse into a black mood. It is complete blackness from which I cannot emerge, try as I might. But this sensitiveness has also its brighter side, because you also savour more intensely than others the moments of happiness, the kindness shown to you, and the loyalty and devotion or appreciation displayed in your work or in your personal relations.

I have always tried to be sympathetic and compassionate, particularly to those who have served under me. Even when I am very angry, I control my temper, and I can say with pride that an unkind or insulting word has never come out of my lips, while dealing with those who have been subject to my authority. I try to remember that it is not their fault that they have had to serve me, and, what is more to the point, they are not in a position to hit back, and tell me what they think of me. I hate nothing more

than the rudeness shown by some to servants and subordinates. No civilised man can or should give way to such weakness; it is a sure sign of bad education and bad breeding. In the last analysis all that you leave behind is the kindness and consideration you have shown to people, and which is remembered. I am always deeply moved when sometimes some lawyer comes up to me when I am sitting in the Supreme Court Library, and tells me that he had appeared before me and I was uniformly polite and considerate to him. No greater compliment was ever paid to me than when a member of the Bar at one of the farewell functions held on my retirement as Chief Justice said that throughout my judicial career I had never lost my temper against any member of the Bar, and I had never been rude or insulting. I cherish this commendation more than everything else that was said about my work or character.

Why am I writing all this and exposing my inner self to public scrutiny? Because I feel that in an autobiography the readers would want to know not only what the author did or said, but also what sort of a man he is. After all, however eventful one's life might have been, one is not an automaton, one is a human being with flesh and blood, with weaknesses and faults, emotions and sensibilities. At least when I read an autobiography, I would like to know the man and the quality of his life, and not only his achievements.

There is nothing I have valued more than intellectual integrity, the right to call my soul my own, to dream my own dreams and sing my own songs. There is no sin worse than sinning against the light—whatever your light might be. Whether you call it your light or your conscience, it is the only beacon by which you can steer your bark through the rough and stormy sea of life, and particularly when you do not accept the standards laid down by any established religion or creed. I call a man irreligious or immoral when he sells his soul for a mess of pottage or even for a luxurious meal. There is no turpitude greater than changing your convictions in order to conform to prevailing standards, or to please the high and the mighty.

All passions spent and no desires left, work remains the only solace. But even work can on occasion become drudgery. Then where does one turn? The four walls of the room look down upon you, and you finally realise that in the beginning was the end. The lonely child has grown up to be the lonely old man. Perhaps the fault was mine. I did not plan for old age, while I enjoyed the vigour and exuberance of youth. I did not care to acquire the art of growing old with peace and contentment. There is nothing more boring than one's own company, and I was trapped within the four corners of myself. There is no escape except in the ultimate release; and the tragedy of it is that one does not know when it would come. One could not even pray for it if one did not believe in prayers. An agnostic can pride himself on his rationality, but rationality does not necessarily open the door to happiness.

It would not be quite correct to say, however, that to me work has remained the only solace. It is the principal solace, but reading and the arts have also given me a great deal of pleasure and happiness. To turn to literature or history is like looking at the bright sky from a murky atmosphere. My favourite in the field of arts is the theatre. I have been a passionate devotee of the stage, and I remember when I went to England in 1938 after a lapse of over fifteen years I did nothing except stay on in London and see every play which was running there. In the theatre one sees many complicated problems of life envisaged and solved through characters performing on the stage. The dramatist is restricted both by the time factor and the space factor. He has to present his theme within the allotted two or three hours, and he cannot travel outside the narrow stage to which he is confined. This is unlike the novelist who suffers from no such limitations or inhibitions, and can locate his scenes anywhere in the world, and take his own sweet time in developing his story and his themes. The dramatist, therefore, is, in a sense, the greater artist, and has to observe more strictly the unities which any art demands.

I am fond both of Indian and Western music. With regard to the former, I cannot rise to the height that enables one to appreciate classical music fully; the semi-classical has a greater appeal

to me. In Western music I must confess I have no taste for operatic music; the symphonies have given me greater pleasure.

In painting there was a time when I did not much care for the work of modern practitioners of the art. I remember the jibe that when you look at a painting and cannot understand what it represents, it must be modern. But I have made myself familiar with the works of contemporary Indian artists, and also artists abroad, and without any great insight I have derived aesthetic pleasure from many of their paintings. But my favourite school continues to be the Impressionists. I remember when I was in Leningrad I went to the famous museum there. A very knowledgeable woman took us round and asked me whether I would like to see anything in particular. I told her I could not possibly see the whole Museum but would like to see the Impressionists if they had any such collection. She was greatly pleased for, as it turned out, they had one of the finest collections of such paintings. She promptly took me to the room where they were exhibited—to my great delight.

Regarding sculpture, I knew Saigal who is very famous and whose works I have always admired. He has made a great name for himself abroad. I remember his coming to me when I was Education Minister and telling me that he was leaving for Germany. I said I hoped he was not leaving this country for good. He answered: "No, though I must say I cannot earn anything here. Nobody buys my works, but when I go abroad there is greater appreciation, and I succeed in making a good bit of money."

I sometimes wonder whether I have not been too pessimistic in my assessments, for throughout my life I received a great deal of kindness and affection from other people. First and foremost, I must mention my wife. I am not by nature superstitious, but on the day I was engaged to her I received my first responsible brief in the High Court. Since then I have never looked back. I used to call her my star of destiny. She stood by me when I was practically a briefless barrister, and she was by my side when I became Judge and Chief Justice, when I acted as Governor, when I sat on the Bench of the International Court, and when I

went as Ambassador to Washington. She was not highly educated, but she was a true Indian wife, and gave me all the love and devotion she was capable of, and I was the whole of her life. She was simple and unassuming, and remained so however high the post I was holding. The fact of being the wife of a high dignitary never went to her head, and she never became arrogant or vain. With her gentle manners and kindly smile she won the hearts of all she came into contact with. She had no understanding of the nature of the work I was doing, nor did she have any pretensions about it; but she never made me feel humiliated in any company, however august. If she did not follow the conversation, she never embarrassed me by a *faux pas*, but kept attending quietly to the needs of the guests. She had exquisite table manners, and would gracefully preside over the table even if my guest was a King or an Emperor. She was wholly free of the kind of snobbery that makes one want to mix only with the high and the mighty. She knew the wives of all my officials in Washington, and her manner was the same whether she was talking to the wife of the lowest and the humblest, or the wife of an Ambassador or of a member of the Cabinet. When she died, Menon, my first Secretary in Washington, wrote to me: "We respected you, but we loved her." She died suddenly and peacefully without the sadness of farewell, as befitted the nobility of her soul. If she had known what suffering her death would cause me, she would have tried to ward off the inevitable as long as possible. But she did not know, and may God forgive me for not telling her how much she meant to me. I was too engrossed in my work—perhaps too selfishly engrossed. I took her presence and her company for granted, and it was only when she was not there that I realised the extent of my loss. But it was too late for me to tell her. The dead never come back, and the living have to go on living.

I have been very happy in all my three children. I adopted it as a principle that children have the right to freedom of action. The parents' duty is to advise and counsel, it is for the children to take the ultimate decision. It is only from their own experience that they can learn what pitfalls to avoid, and not from the experience of other people. I was strongly opposed to corporal

punishment and never in my life have I even so much as touched in anger any of my children. My wife did not share my philosophy, and used to say that I was spoiling the children. I think I have been vindicated by the success the children have made of their lives. I have been blessed with three lovely grandchildren, and their innocent love for me makes me feel ashamed whenever I am tempted to take a gloomy view of life.

Even with regard to marriage, my children made their own choice, and only asked for my blessings which were given in ample measure. I was very happy that they all married outside their community. I used to joke with Panditji that I not only preached national integration but had practised it, because I do believe that intercommunal marriage is one of the best ways, perhaps the most effective, of bringing about the assimilation of communities. The art of living together is the most difficult of all the arts to practise, and if two persons of different faiths can live together in the closest intimacy for a whole life time, surely it cannot be said that the existing differences between the various communities are irreconcilable. It is true that these marriages only touch the fringe of our population, but their impact can be very wide. They are an example of secularism in action, and are like beacon lights which throw their beams far and wide, to illuminate the overwhelming need for communal unity and concord.

With a father's natural vanity I had set my heart that both my sons should go to Oxford. Although I was paying for their education, I did not interfere with their ultimate choice of University. My elder son wanted to do science, and I understood his preference was for Cambridge, which in the teaching of science is considered to be superior to Oxford. But my younger son was going to study history and law, and I felt sure that he would choose Oxford. When I was in England and he was still at college here, in Bombay, I took him with me to see both the universities. He saw Cambridge as a small compact university town with perfect academic peace and quiet. In Oxford he found a noisy bustling city in which, as some wag has observed, you cannot find the university. He asked me: "Do you mind, Dad,

if I go to Cambridge?" He did not realise how much this question had hurt me—young people never realise. I immediately answered, "You must decide your future", though I added, "it is not fair to the university of Oxford to judge it by the city. I believe there is some learning within the university."

My children are well settled, and on their own merits. Never by word or deed have I ever used my influence to get them a job, or secure a promotion or advancement for them. They thank me that no one can point a finger at them and say, here is the result of judicial or political nepotism.

People speak of the generation gap between fathers and their children. It is true that there is a gap, but so was there in the old days and among the older generation. But the generation gap at present is different in nature and in depth from the old one. Then the father and the son hardly spoke to each other, the son could speak only when spoken to. The son could not or would not smoke or drink in the presence of his father. He could not discuss with him his difficulties or his problems or even his ambitions or aspirations as one man to another. The father thought that the son owed a duty to him, because he had brought him into this world, and spent a lot of money for his upbringing and education. On the contrary, it is the father who owes a duty to the son; the son's coming into this world was not of his volition, and the father must bear his full responsibility for it. Children are born, but parents are made.

The only bond between father and son in the past was respect and even reverence where the father was worthy of it—there was hardly any affection and very little friendship. Today father and son meet on equal terms and behave as friends. The older man will never dream of delivering a full-length discourse to the younger man from his superior heights of knowledge and experience. It is true that there is a gulf, and very often an unbridgeable one. The son's values are quite different from the father's. The son is critical of and opposed to the established and conventional way of life. He believes in a permissive society, where there should be complete freedom to experiment and to strike out on new paths. Conventions and traditions are anathema to him,

because they are only there to support the established order of things and maintain the *status quo*. The only possible bridge under the circumstances is tolerance and understanding. Why are we so sure that we are right and the younger generation is wrong?

I have very few friends, but the friends I have are as dear to me as any member of my family, and I know that I can rely on them in the hour of need. A true friend would not only appreciate your good points, but also understand and tolerate the bad ones. Indeed in friendship the tolerance of shortcomings is more important than the appreciation of virtue or excellence. The whole world joins in applauding a success, but it requires a true friend to comfort one in one's failure or misfortune. I am not very good at making new friends. I am content with the old ones. I have come to know hundreds of people in the course of a fairly active life, but they remain mere acquaintances like ships that pass one another in the night. You beckon from your deck to a person on the deck of a passing ship; the ship passes, and you forget the face and the incident fades from your memory.

I cannot resist the temptation of giving an extract from a talk I broadcast over the Bombay Station of All India Radio on May 27, 1958. The subject of the talk was "As I look back". It was 1958 when I looked back then. Fifteen years have passed, and I am again looking back, but I find that much of what I said then still holds good and may be, I am therefore taxing the patience of my readers by this extract:

"When a man reaches the end of the road and sees before him the vast horizon and becomes conscious of the infinity before him, he naturally turns round to see the way that lies behind and by which he has come up, remembering the many turnings, the ones which he took and the others he missed, the weariness and the heartaches and also the upliftment of the spirit. He must also think of the opportunities lost, the dreams and thoughts which remained unrealised and unexpressed. It is at such a moment that one asks oneself whether life has taught any lessons or whether the effort of existence has been so strenuous that nothing permanent or lasting has endured. Life should give us the sobering reflection that circumstances have played a big

part in whatever success one has achieved. It is sheer human vanity to attribute to one's own ability one's achievement and the eminence which one might have reached. More often it is circumstances that make the man. Very rarely the man has the stature to make the circumstances which make his success possible. Even Napoleon who built an empire by dint of his almost superhuman ability and energy and the sharpness of his sword needed the French Revolution and the revolutionary idea to find the chaos out of which to build the glory of France. Gandhiji who created mass awakening and a religious fervour for freedom had the help of the earlier revolutionaries and the sacrifices they had made in the cause of the country.

"If the natural vanity of man is sobered and corrected by these considerations, there is scope for further correction and sober reflection in the fact of human fallibility. Man has an infinite capacity for making mistakes. It is this realisation which should make him pause and think that the other side may be right, and that there is always another point of view besides his own.

"The longer one lives the more one realises how necessary and important tolerance is. Most of the strains and tensions in life are due to the fact that we lack this sovereign virtue. We are angry and irritated because the other side does not think as we do, live as we live and worship before the same Gods as we do. True tolerance is based upon respect for the dignity of the individual. It recognises the right of every one to experiment with his life and to live according to his own lights. The lights may not be the city lights—they might burn on the mountain tops or in forlorn caves—but to the person whose lights they are, they are the only authentic ones and all others are false.

"We are becoming so matter of fact, the world is so much with us that we refuse to give any place to sentiment in life. And yet sentiment is the salt that gives savour to life. We must learn to hold out our hands to the stars, although we may know full well that we can never reach them. Unless we aim at the unattainable, existence becomes humdrum and prosaic—there is neither zest nor colour nor poetry in anything we do. From

the same point of view each one of us must have an ivory tower to which he can retire and forget the harsh realities of life. There are some people who always wish to live there, far from the madding crowd. But that is a mistake. We cannot and should not run away from life's problems or the duties we owe to society. I have therefore never sympathised with the *sanyasi* ideal. The *sanyasi* cuts himself away from the world and wishes to contemplate in isolation and achieve the liberation of his own soul from *Maya*. But fundamentally it is a selfish doctrine. What right have I only to think of my own soul when the world is crying out for the solution of so many problems which keep men in political or economic servitude?

"The better and more satisfying philosophy is the one that the *Bhagavad Gita* teaches—the philosophy of non-attachment. One must not give up anything, one must do one's duty in whatever station of life one is placed; and having done one's duty one must remain indifferent to the results. The doing of duty is in one's own hands—the achievement of results one must leave to Providence or whatever power it may be that guides our destinies.

"In the real, throbbing sense, in the emotional and sentimental sense, I do not think there is happiness for any one of us here. There are too many slings and arrows that an outrageous fortune flings at us. But I am convinced that there is such a thing as satisfaction; and this we can achieve. Satisfaction ultimately lies in work well done. Whatever work we are called upon to do, it is the quality and the devotion that we give to it that makes life worth-while. Success and failure are merely incidental—they do not contribute to real satisfaction. But work done for its own sake, with complete indifference to its personal aspect, is like a note of music, the beauty and cadence of which endures even in the din and bustle of everyday struggle. And looking back, I have learnt that kindness and gentleness are qualities which every human nature is capable of, and which every human nature appreciates and is moved by. These qualities require neither special training nor special equipment. They are present in every man—only they get overlaid by vanity and self-seeking.

"How would one sum up the experiences of over fifty years? Sunshine and shadow, tears and laughter, the glow of achievement and the despondency which comes with the frustration of hopes. Life is many-sided; it has many facets; it has many moods; it is rich with memories, sad and gay. Ultimately it depends upon each one whether life has been an adventure or just a short and painful interlude between one sleep and another."

APPENDIX I

Personal

Secretariat,
Bombay 1,

24th November, 1950.

My dear Chagla,

The Director of Publicity has just brought to my notice your inaugural speech at the Publishers' Exhibition on the 12th November 1950. There are two short passages in it which particularly attracted my notice. In that at one stage you have said "in the modern and complex society every act of ours is controlled by some law, every minute of our living existence is spent in conforming to or – and I hope that is very rare—contravening some rule or regulation enacted by the mighty State." You also said that "in this conference, however, the Government is not represented as a publisher. Otherwise, all the stalls would be taken up by the different laws that it has published for the betterment of humanity". I do not know what the Government of the State of Bombay or any other Government in the country has done to deserve these comments from you. I did not know that rare minutes of your existence are spent in contravening some rule or regulation enacted by the State. I should have thought that at least the Chief Justice should be in a position to say that he scrupulously observes all rules and regulations and that, whenever he has any doubt, he enquires and makes sure what the rule on the point is. It may be that your statement is based on the conduct of persons with whom you come in contact. I also wonder whether it was necessary to qualify 'State' by the word 'mighty'. It seems unnecessary, unless it is ironical.

You must no doubt have seen the volumes of Bombay Code recently printed and supplied to you by the Legal Department. I

wonder how many copies of those would have been required to fill one stall, let alone all the stalls of the Exhibition unless you thought you were opening a miniature Exhibition. The Acts passed since the Congress Government assumed office in this State take about 1000 pages in those volumes. Even if the laws of all the Governments are taken together, I leave it to you to work out how many pages and how much space they would take. Ironical references to the might of the State and laws made by different Governments for what you call 'the betterment of humanity' seem to me to come ill from the Head of the Judiciary in a State. I do not know how you would like propaganda to be carried on against you by persons whom you chide in your present address and in your other addresses. I would only leave it to you to think over the matter in a quieter mood.

I have written this letter with great hesitation and have done so only because I feel very apprehensive for the future as a result of such attitude to the State Government from the Head of the Judiciary in a State where we have tried to do all that we can to run the State in as honest a manner as is possible for our capacity and where we have tried to do all that we can to uphold the rule of law and the prestige and respect of the judiciary.

Yours sincerely,

Sd/- Morarji Desai

The Hon'ble Shri Justice
M. C. Chagla, Bar-at-law,
Chief Justice, Bombay.

APPENDIX II

25th November, 1950

My dear Morarji,

Your letter came to me as a painful surprise. But I am glad you have written this letter because it clearly shows how much you dislike my being in the position that I am in, and how much you would have preferred a more docile and tractable Chief Justice. I am sorry you have got to put up with me, but perhaps you will be able to do so better if we understand each other, and so I propose to write to you with the uttermost frankness—even at the risk of making you more angry than you obviously were when you wrote the letter.

I should have thought that the Director of Publicity has more important things to do than to scrutinise every utterance of the Chief Justice in order to find out whether he has said anything against Government which should be brought to the notice of his employers. May I humbly suggest that he should spend a little more time in elucidating the law to the citizens, so that they should know what their duties and obligations are—a subject about which many are woefully ignorant?

After reading your letter I have definitely come to the conclusion, to which I was being driven more and more every day, that the Government of Bombay do not relish any criticism—so much so that they cannot tolerate even a humorous remark. Government possess the monopoly of wisdom, statesmanship, and patriotism, and any one who differs from them is either a fool or a knave. You do not realise how independent thinking is fast disappearing from Government officials. Several of them have told me that they dare not express their honest opinion because if they did so they would immediately lose their jobs. If you resent the humorous remarks of the Chief

Justice, what would you do, I wonder, if they had been uttered by some one who was subordinate to you. We have the recent example of Dr. Phadke of Poona who had to resign because he had the temerity to criticise your prohibition policy. If you really believe in democracy you should welcome men like Dr. Phadke. As it is, you get furiously angry if someone even makes a joke about Government, so angry that you do not even realise that it is a joke.

I have never been in the habit of considering when I speak on a subject, whether my remarks are going to please or displease any one. I did not acquire that habit under the British Government. I do not propose to acquire it under our own Government.

I do not think you even know how Governments are criticised in England. A Chief Justice of England in recent times wrote a book called *The New Despotism*. I strongly recommend it to you. I do not think the Home Secretary wrote a rude letter about it to the Chief Justice. The British Government have been governing democratically for centuries. They respect criticism and welcome it. Because they know that they are not infallible and they want to know and understand public opinion so that they should correct their mistakes and make their rules acceptable to all sections of the people.

I wonder whether you found only the two sentences you have quoted from my speech of any substance. I suppose the rest of it was not worthy of the consideration of the Director of Publicity and of yourself. I am sure anyone who is not violently biased would see the humour of these two sentences. I was merely pointing out that laws are being passed sometimes too quickly and on too many subjects and the public have no time to digest them. In several addresses presented to me by Bar Associations, pointed attention has been drawn to this aspect of legislation. I would also like you to study the recent rules published in the Gazette under the Prohibition Act. Do you seriously think that any citizen can or does understand what the law is?

In season and out of season I have been preaching respect for the law. You have never shown any appreciation of what I have been trying to do for the establishment of the rule of law. I do not expect it nor do I want it. But it comes with an ill grace from you when you sarcastically insinuate that I break the law or keep company with those who do so. I admit I do not mix with saints or supermen. My friends are fallible and full of human weakness and frailty. But they

are a thousand times better than those who don the garb of unblemished virtue and have neither understanding nor tolerance.

You have asked me how I would like propaganda against myself. Well, I have never descended to a personal level in any public utterance. Unknown to you I have stood up for you against your detractors—and they are many—in private. I have always expressed my admiration for your integrity and sincerity of purpose. I hope I shall have the strength and charity to tolerate any propaganda that Government may start against me. If I don't, then I shall be unworthy of being considered as possessing a democratic spirit.

You say you are apprehensive about the future. So am I. I love my country with the same intensity and fervour as anyone else. And I am seeing tendencies which if not checked will lead us to unbridled dictatorship. You and I don't count. Our vanity, our *amour-propre*, our sensitiveness, are nothing compared to the future destiny of our people. In Heaven's name let us not do anything which may deflect that destiny into channels unworthy of a great nation.

Yours sincerely,

Sd/- M. C. Chagla

Morarji R. Desai, Esq.
Chief Minister of Bombay.

APPENDIX III

Ridge House,
Ridge Road,
Bombay

26th November, 1950

My dear Chagla,

I thank you for your reply of the 25th which I received yesterday evening, when you see anger and dislike of your independence in my letter instead of pain on account of misrepresentation from a friend. I can imagine how angry you are with me and what prejudices you have regarding our policies.

I wish you had not been as unnecessarily hard on the poor Director of Publicity who only did his duty. He was present at the meeting and he saw the effect of your remarks which you say you made in humour. I readily believe that your intention was to be humorous, but was it not prompted by prejudice and a dislike of our policies?

When you say that Government does not like any criticism, are you quite fair to us? This Government has never considered itself to have possessed a monopoly of all wisdom, statesmanship and patriotism and we have never considered anyone who differs from us either a fool or a knave. The freedom and impunity with which criticism and allegations are made against us in Press and on platform would be a standing and clear testimony to our regard for liberty of expression and criticism in the eyes of any impartial observers.

You have made several assumptions, one of which is that independent thinking is fast disappearing from Government officials. If you had seen the files in the Secretariat and reports from officials, you could not have made this unwarranted assumption. If you were present at the discussions we have with our officers, you would never

have carried this prejudice. This only shows how much credence you give to the stories you hear from people who see you and talk to you against us.

You have cited the example of Dr. Phadke. The gentleman's name is Dr. Phatak and not Dr. Phadke. He was not a Government servant. Have you cared to inquire about the incident as it took place? As far as I know the facts, this gentleman stood up to propose a vote of thanks and gave a homily on birth control and the failure of Government in this direction. It was a wrong advantage that he took of the occasion. This was not a subject for this occasion and a vote of thanks cannot be made an occasion for such lengthy and uncalled for criticism to which the government had no chance to reply. Dr. Gilder, who was the guest of the institution concerned, pointed out the unfairness to the persons who had invited him. They asked Dr. Phatak to express regret for the discourtesy shown by him to the guest without any provocation whatsoever and in spite of a warning by his colleagues not to do so. The most painful part of your criticism in this respect is that you coupled Dr. Phatak's criticism with prohibition. Dr. Phatak did not criticise prohibition. He said that Government should have taken up the propagation of birth control in preference to all other reforms of government including prohibition. This was the only reference to prohibition in his long tirade which was to be a vote of thanks. But this shows how readily you believe what the Press writes against Government and how the prohibition policy of Government has irritated you against us.

Please do not think that I am unable even to see a joke because it makes me terribly angry. A joke would be appropriate in its proper place only. It would be disastrous if made at a wrong place and with respect to an unsuitable incident. It should not have been necessary for me to point out this difference.

I do not know what you did under the British Government but I do know that you did not criticise their actions in public meetings half as frequently and sharply as you do now.

I am surprised that you consider my letter rude. Will you please point out the rudeness so that I can make amends for it. If you consider what I have written to you as a friend—(I am still under the impression that you consider me a friend)—rude, it will be difficult for me to point out to you frankly even in a personal letter what I considered harmful for the future of this State. It is possible you consider me wrong in my understanding but was that a justifica-

tion for the attack you have made on my supposed intolerance, and want of appreciation of humour and disregard for freedom of opinion? Would you not allow me to convey to you my apprehensions without making you angry? Is this your idea of toleration, broad-mindedness and friendship? You wrote to me yourself that I have not availed myself of your services not as Chief Justice but as a friend and as a lover of our country in the cause that you and I have both at hearts, and yet when I try to draw your attention to the effect your remarks would have on the public mind, you fly into a rage and attribute to me an intolerant mind and a desire to have a very docile Chief Justice. This only shows how prejudiced you have been against me and my colleagues ever since the prohibition policy was finalised and brought into effect. I have known from you personally that you have differed from us violently in the matter but I had no conception that your annoyance would go to this length.

You have cited to me the English parallel. May I also request you to consider the English conventions which the Judges there observe? Even though they are members of clubs, they seldom go there and never take part in meetings which would land them into a controversy.

I do not think either in England or America or in any other democratic country, the Government of the day have been able to make their rule acceptable to all sections of the people. This would be a feat impossible of accomplishment by any party consisting of human beings.

Is it fair for you to assume that I did not find the rest of your speech of any substance because I mentioned only the two objectionable sentences? Would it have made a difference if I had mentioned that the rest of your speech was not only without objection but was also instructive?

I know you have emphasised respect for law but have you ever publicly mentioned that this Government is trying to do everything that it can according to its limited capacity to establish a rule of law as it should be in a democracy? On the contrary, has not your general criticism in public given support to the criticism of some sections of the public and the press that we are not mindful of civil liberties and the principles of Democracy?

I am very grateful for your defending me against my critics and for your admiration for my integrity and sincerity of purpose. How does this fit in with your contempt for those who don the garb of unblemished virtue and have neither understanding nor tolerance—by

which I suppose you refer to me and people like me. I make this inference from the context of reference. When have I claimed unblemished virtue of myself? It is no doubt true that I have an intense desire to be virtuous and constantly strive in that direction by trying to find out my weaknesses and making an effort to remove them. It is also true that I do not consider my weaknesses a virtue. I feel sorry and ashamed for whatever weaknesses there may be in me and I find that such an attitude helps me in overcoming my frailties.

There was no sarcastic insinuation in my reference to the breaking of law. The reference to the unavoidability of breaking some rule or law under the existing Government in your speech could have either come from personal experience or experience of people whom you know well. How was I otherwise to explain your sweeping statement? You explain it by saying that it was a joke. Was it not sarcastic? Would it not expose the Government to ridicule, coming as it did from the Chief Justice? Would you not allow me even the friendly privilege of letting you know that I was hurt by your sarcasm? May I request you to consider whether you have not become intolerant of my views and have taken consequently a very uncharitable view of my reactions to your public criticism? Would I be unreasonable if I expect the Chief Justice to be very tolerant and balanced towards the frailties of people like myself who though lacking in understanding and tolerance still possess sincerity of purpose and integrity in your view? Is not more expected of the Chief Justice in such matters? You hope that you will have the strength and charity to tolerate any propaganda that Government may start against you. But have you shown this towards the criticism that I have made in my letter to you as a friend? When I asked you in my letter how you would feel if those whom you chide publicly did the same to you, you seem to conclude that it is going to be done. I have not done anything of that nature so far and have tried to prevent others from doing it wherever possible. If you ask any member of the Press who attends my conferences, you will easily be convinced about the truth of what I have said. I posed the above question only in order that you may make a comparison and realise my feelings. I always pray to the Almighty that he in His kindness and forgiveness may save me from any attempt at retaliation in any matter, whatever may be the provocation.

If dictatorship overtakes this country in my lifetime, I shall not be in the seat of Government but am sure to suffer terribly and even lose my head in an attempt to fight the dictatorship with whatever little strength of purpose God may have given me.

I am sorry I got the last letter typed because I do not know typing. I shall not commit the mistake again and apologise to you for the discourtesy that has been felt by you as a result. I hope you will forgive me for this mistake.

Your letter has made me so unhappy and apprehensive that I do not know whether in future I should let you know my feelings if such an occasion arises. I consider it very essential that I should give no offence to or irritate the head of the Judiciary in the State as cordial relations between the Executive and Judiciary are very vital in the interests of a sound Democratic State which both you and I want to build up. I shall be grateful if I receive a frank guidance in this respect.

Yours sincerely,

Sd/- Morarji Desai

The Hon'ble Shri Justice
M. C. Chagla, Bar-at-law,
Chief Justice, Bombay.

APPENDIX IV

27th November, 1950

My dear Morarji,

I thank you for your letter of 26th November.

I can assure you that I will never resent any criticism of my action offered by you as a friend. My resentment proceeded from the tone of your letter and from the fact that it seemed to be written officially as a Minister of the Government of Bombay, and not as a friend. May I suggest that in future we should talk over our differences? You know how welcome you are to come to my place. Things look very different in black and white than when they take the form of the spoken word. One has the tone, the look and the gesture to go by. In cold print there is no guidance except the words themselves.

I am as anxious as you are that cordial relations should be maintained between the Judiciary and the Executive and also that our personal relations should not be impaired by our differences in outlook or policy.

I do not wish to cover the ground which I have already done in my last letter but there are two or three points raised in your letter which require a reply:

1. In writing about Dr. Phatak I went by newspaper reports. I had no other sources to go by.

2. It is very unfair to me to suggest that I have been prejudiced against you and your colleagues since prohibition was launched. You are attributing to me pettymindedness, of which I hope I am not guilty. I have made no secret of the fact that I differ from you with regard to that policy. I think it is a mistake, that it will do harm to public interest and that ultimately it will fail

but only after causing a great deal of irreparable damage. But I do possess a sense of proportion. I realise and I try to make others realise, that, after all, prohibition is one item in the programme of government, and government can't be judged only by that item. I have always given expression to my view that our Government is the best of all governments in India and we should consider ourselves proud and happy to be living in the State of Bombay.

3. With regard to the convention observed by English judges, you are not justified in having a dig at me about going to clubs. The private life of a judge is his own, and everyone in England respects it. It is entirely incorrect to say that judges do not visit clubs. Some like to go to clubs and do so, others do not and accordingly are not clubmen. I agree that they do not take part in meetings which raise controversies. Have I ever attended a political meeting or spoken on a controversial subject? Have you ever known me say anything about prohibition? If you only knew how many invitations I decline to speak at meetings because I feel that the subject might be even remotely controversial. Of course I do speak on questions affecting the administration of justice and I will continue to do so. It is not only my right but my duty and in doing so I am following the highest traditions. I also cannot forget that besides being a Judge I am also a citizen and so I am deeply interested in educational, social and cultural matters.

4. It is not correct that I have never publicly praised government for anything it has done for the establishment of the rule of law. Whenever I have replied to Bar addresses I have told them what you have been doing for the separation of the Executive from the Judiciary. It is true I have also criticised you. But it has not been all criticism.

5. You say that I criticise our government more often and more harshly than I ever did the British Government. Surely you know that that is not correct, nor is it taking a fair and impartial view of my past record. My public life before I came to the Bench is an open book and I think I can proudly say that I always was a consistent and continuous critic of the policy of the British Government.

One happy result of this unfortunate and rather acrimonious correspondence has been that it has emphasised the fact that both of us,

however much we may differ as to the means, are agreed in our belief in democracy and our hatred for dictatorship. So long as that basis remains we will always be friends—and I shall continue to have for you the same regard which I have always had ever since we came in contact with each other.

Yours sincerely,

Sd/- M. C. Chagla

Morarji R. Desai, Esq.
Chief Minister of Bombay.

APPENDIX V

Personal

Secretariat,
Bombay 1

16th August, 1954

My dear Chagla,

I thank you for sending me a copy of your lecture on 'Individual Freedom and the Welfare State'. The press reports had come to my notice and contained views with which I was in general agreement and a perusal of the lecture confirms my previous impression except in a few instances which I would like to bring to your notice. not with a view to criticise what you have stated or to enter into a discussion with regard to those matters but to let you know my own convictions with regard to certain matters which I consider to be of fundamental importance.

In support of your views you have quoted extensively various authorities. Rousseau, Bertrand Russel, Roosevelt and Allen have all been referred to. One factor which is perhaps common to all of them is the fact that they have in view democracies which evolved and have been in existence since long. Ours is a new democracy and we have probably embarked on the experiment of having a democracy without undergoing the fundamental process of evolution. The primeval law of life and heredity results in man desiring to form associations just as animal forms herds. Till a certain stage of community advancement is reached, which is presupposed in the countries where democracy is existing and functioning since long, the development of the community is a fundamental necessity and is more important than the development of the individual. That is partly the reason why India today is thinking more in terms of community development than the development of the individual. Our ancient culture was based on community

development. The community consisting of the village formed a self-sufficient economy. With the foreign domination there arose a conflict of cultures. The western culture, essentially individualistic, was imposed on ours when it was not ripe to receive it. When a superior culture comes into conflict with an inferior culture the tendency is to wipe out the inferior culture. The fact that during so many centuries of foreign invasions and dominations our culture has not been suppressed and has continued to thrive shows that our culture is in no way inferior, but the conflict of the two divergent cultures has resulted in confusion of thought and ideas particularly amongst those who have strongly taken to western modes of thought.

Various legislative enactments passed by us aim not so much at controlling the individual but at evolving a new social order for the development of the community. The problem of backward classes we are faced with cannot be solved on individual lines nor does the reasoning appeal to me that the same treatment as is given to others would result in their amelioration. You have quoted Allen when he states: "A little too much law and you turn the moderate drinker into a dipsomaniac, the agnostic into a blasphemer, the enlightened employer into a gradgrind and a flirt into a prostitute". I was hoping that you did not subscribe to these views but I was surprised to find you stating: "These words should be inscribed at the entrance of every legislative chamber to warn the enthusiastic legislators who are in a hurry to change human nature and improve individual morality." What is said about the drinker would apply with an equal degree of force to a drug addict but the necessity of suppressing all traffic in drugs like cocaine and opium which are habit-forming is not denied. Individual right to drink or breathe applies to healthy drink or pure air but not to infected water or impure air in view of their adverse effects on the health of the community. As regards sexual laxity surely the democracies which follow the policy of non-interference should be in a position to show a gradual decline in prostitution. The facts, as you know, are otherwise and it is in these very democracies that the incidence of such traffic keeps on increasing. Should we not then in our country follow other methods which we consider more in keeping with our ancient culture and which, we hope and trust, will yield better results? I have a feeling which I hope is not correct, and I trust you will forgive me for voicing it, that you have sent me a copy of this lecture to bring this passage specially to my notice. If this be so I am particularly anxious that you should be acquainted with the fundamental beliefs and opinions which I hold and which, to

my mind, give a clear understanding of the need for the action which we have undertaken.

I fully share your view when you refer to decentralization in welfare work and setting up of autonomous bodies in various localities to carry out work which can best be done in the local setting and in which the people of the locality can operate. To obtain the best results, however, such autonomous bodies should act in furtherance of common objectives and should not all pull different ways; otherwise attempts at development are likely to be vitiated.

Your remarks that in your opinion the duty of the Judge is to help the Legislature to satisfy the felt necessities of the times and that he should not set himself up as a brake against social progress are also very apt and convey sentiments with which I am in full accord. In western countries where democracies have evolved in the course of centuries, progress has been most marked when the Judiciary have helped the State by creating, if necessary, legal fictions to help and enforce the policy of the State and in furtherance of it till it has been found possible to lay it down by legislative enactment and I am sure that our democracy also will evolve in a manner which will establish conventions so that various autonomous bodies which the State has created for its better administration, work in a common direction with the same object in view.

Yours sincerely,

Sd/- Morarji Desai

The Hon'ble Shri Justice
M. C. Chagla, Bar-at-law,
Chief Justice, Bombay.

APPENDIX VI

Chief Justice House,
Harkness Road,
Bombay

19th August, 1954

My dear Morarji,

Thank you very much for your very interesting letter of the 16th August.

I have always felt that you are never fair to yourself when you entertain suspicion about the motives of those who do not see eye to eye with you on every subject. Your feeling that I sent a copy of my lecture to you in order to bring the quotation from Allen specially to your notice is entirely unjustified. This quotation was prominently referred to in the extract of my speech published in the *Times of India* and was also commented upon in an editorial. I could not therefore possibly think that your attention would not have been drawn to it. On the contrary, it was because in my opinion the *Times of India* unduly emphasised this aspect of my lecture that I thought it necessary that you should also know what I had said about other important matters, the role of the welfare State and the duty of Judges in a welfare state.

The Chief Minister of Mysore State presided over my lecture at Bangalore and in his concluding remarks he said that he agreed with every word I had said in my lecture and he also added that he would like my lecture to be used as a reference book for every Legislator, Minister and Judge. In view of the fact that the head of a neighbouring State felt so strongly about the opinions expressed by me, I thought it not out of place that I should let the head of my own State know what I thought about some pressing problems of the day, whether he ultimately agreed with my views or not. And finally and most

important of all I sent a copy of the lecture out of friendship and regard, sentiments which perhaps are out of place in public life. I am afraid your unwarranted suspicion has robbed a spontaneous act of friendship of much of its grace. I assure you that in future I shall be a little more wary and try and not forget that even the most innocent actions are likely to be misconstrued and misinterpreted.

Thank you all the same for the trouble you have taken in reading the lecture and offering your criticism on what I have said.

Yours sincerely,

Sd/- M. C. Chagla

Morarji R. Desai, Esq.
Chief Minister of Bombay.

APPENDIX VII

Secret & Personal

No. 509-P.M.

New Delhi

July 1, 1953

My dear Chagla,

On my return from abroad, I have been looking through old newspapers and press cuttings. Among these I have come across a report in the *Times of India* of the 12th June, which gives an account of a meeting held in Bombay in support of the Africans in East Africa. The meeting was organised by the India-Africa Council and you presided over it and delivered a speech.

Personally I agree with what you said on that occasion. The only question that arises is how far it is desirable for a judge of a High Court to participate publicly in a mattter of this kind.

I have been deeply troubled over events in East Africa as well as in some other parts of Africa. I think horrible things are being done there. In my own way I have tried my utmost to check this trend of events in Kenya and elsewhere. I have referred to these matters publicly, in parliament, etc. in somewhat guarded language, and I have also spoken privately in England with everybody from the Prime Minister of the U.K. downwards. But I had to check myself in my public statements because of my official position.

Even when the India-Africa Council was formed, I told the founders that I could not join it and explained the reasons for this. We are an independent nation now and an independent country's politics are different from those of a dependent country. Persons in responsible offices do not publicly criticise the internal happenings in other

countries. We would resent such criticism elsewhere and ask for explanation.

That does not mean that we should remain passive and inert spectators of wrong doing. There are other and even more effective ways of helping a cause without offending the proprieties of diplomatic procedure.

If that is my position as an active politician, how much more should that apply to a judge? Therefore, I was surprised and somewhat distressed to read about your presiding over such a meeting which certainly is of an acutely political kind, even though important humanitarian principles are involved. I am, therefore, writing this personal letter to you to draw your attention to this aspect.

Yours sincerely,

Sd/- Jawaharlal Nehru

The Hon'ble Mr. M. C. Chagla,
Chief Justice of Bombay.

APPENDIX VIII

Personal & Secret

High Court,
Bombay

3rd July, 1953

My dear Panditji,

I am extremely sorry that my action in presiding over a meeting organized by the India-Africa Council should have distressed you. The last thing I desire is to add in any way to the very heavy burden which you are already so very gallantly carrying. I should like to place before you my point of view and if you will disagree with me I will certainly abide by your decision.

When I was requested by Mr. Murumbi to preside over this meeting, I was shown the list of members of the India-Africa Council and I found that it was constituted by men of all parties and all persuasions. I made it a condition before I agreed to preside that it should be an all-party meeting. I have always taken the view that Judges should not participate in controversial politics. The reason for this is obvious. Nothing should be done which may even suggest that the Judge is not impartial or which make the parties before him feel that he is in any way influenced by one consideration or another. But at the same time I feel that here there is no controversy in the country and with regard to which the whole nation is united. I assume, and I think rightly, that on the African question there is no difference of opinion whatsoever between the different parties in India. We feel strongly about it on humanitarian grounds and because we feel that the question of the dignity of the human personality is involved. I also take the view that very often a Judge presiding over a meeting like this is both necessary and desirable because not only it adds weight to the meeting but gives to the meeting a wholly non-party complexion.

I might point out to you that the speech I delivered at this meeting was practically on the same lines as the one I delivered at the U.N.O. in support of the Indian cause in South Africa. When I went to the U.N.O. I was on the Bench and even then there was some criticism about my being sent on this deputation. I remember Sir Chimanlal Setalvad wrote a letter to the *Times of India* and took strong exception to the Covernment of India asking a Judge to take sides on what was a political issue. When I returned from the U.N.O. Sir Chimanlal made handsome amends and wrote to the *Times of India* to say that he had made a mistake in objecting to my going to the U.N.O. He took the view that there were occasions when Judges may legitimately be called upon to render public service. I may also draw your attention to what was done in England during the first war. The then Prime Minister, Mr. Lloyd George, requested Lord Reading, who was the Chief Justice, to go to the United States as Ambassador Extraordinary. In that case also there was some criticism in the English press, but the better view was that if the work which a Judge was called upon to do did not interfere with his judicial functions and did not affect his judicial impartiality there was no reason why a Judge should not render service to the nation as much as anyone else.

Of course I was not conscious of the fact that I was in any way offending the proprieties of diplomatic procedure by presiding over this meeting As a matter of fact, I praised the system of British Jurisprudence and pointed out that in Kenya there was an unfortunate departure from the principles which were well established in the Anglo-Saxon world and which we ourselves had accepted. I hope this letter, if it does not justify, will at least explain the action I took.

May I in the end say how very proud we all are of our Prime Minister who has given to our country an international status, which even countries more seasoned in diplomacy may well envy?

With kind regards,

Yours sincerely,

Sd/- M. C. Chagla

Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

APPENDIX IX

New Delhi
23rd October, 1963

My dear Jawaharlalji,

Dinesh came to see me before I left for Dehra-Dun. He casually mentioned to me that there was a general talk in the Party about my moving a resolution regarding the restriction of non-Party Members becoming the Ministers. I made it clear to him that I did not initiate any such resolution. But, in my opinion, taking non-Party Members as Ministers, would create the feeling among Party Members that you have no faith in them. This topic came up only the other day when a Member gave a notice of this kind in the Party office. Most of the Members were in favour of this resolution; but Raghunath tore the notice and assured them that he would personally explain the Party's view to you. I also advised them that it would be better to talk over the matter personally with you, instead of moving such a resolution. Sometime back I had already apprised you of the Party's view about the possible inclusion of Shri Chagla in the Cabinet. We will not entrust this great responsibility to non-Congressmen at any cost. On the one hand, we are sending out our leaders for strengthening the Party; on the other hand, we are inviting non-Congressmen to hold such responsible posts. No matter, if a few are dissatisfied, but the "Kamaraj Plan" has still brought a ray of hope. Now is the time that we should dissolve our differences and plunge ourselves into the service of the nation. Please do not take the blame for all this on yourself.

Yours

Sd/- Mahavir

Shri Jawaharlal Nehru,
Prime Minister,
New Delhi.

APPENDIX X

MAHAVIR TYAGI,
M.P.

सत्यमेव जयते

16, Dr. Rajendra Pd Road,
New Delhi
(Tele 46560)

Rose Bosera, Dehradun
(Tele 123)

23/5/83

प्रिय जवाहर लाल जी,

मेरे देहरादून जाने से पहिले दिनेश पुरी से मिलने आए थे, वह कहते थे कि नहीं मैं इस बात की बहुत चर्चा है कि मैं ने किसी प्रस्ताव का विरोध किया है कि जिसके द्वारा मैं पार्टी से बाहर के लोगों के मिनिस्टर बनाने पर रोक लगानी चाहता हूं। मैं ने उन्हें बताया था कि मैं ने कोई ऐसा प्रस्ताव नहीं रखा है। पर मेरी राय में बाहर के लोगों का मिनिस्टर बनाने के साथ अर्थ यह है कि आप को अपनी पार्टी पर भरोसा नहीं रहा। यह प्रस्ताव की बात इस लिये चली, कि एक दिन पार्टी आफिस में एक सज्जन ने इस प्रकार का प्रस्ताव नोटिस किया था, बहुत से लोगों इस प्रस्ताव से सहमत नहीं थे, पर रघुनाथसिंह ने उन्हें यह कहकर फाड़ दिया कि वह आप से मिलकर पार्टी की प्रतिक्रिया से आप को अवगत करेंगे। मैं ने भी उन लोगों को यही राय दी कि प्रस्ताव की बजाय आप से बात करलेना अच्छा रहेगा। मैं तो बहुत दिन हुए आप से कहा भी चुका हूं कि फ्री इकानामी आदि की चर्चा कांग्रेस वालों को नागवार है। हम लोग किसी इस पर भी बापू की बातों को ले कांग्रेसियों के संघर्ष करने को तैयार नहीं हैं। एक तरफ तो अपनी संस्था की जड़े मजबूत करने के लिये लोगों को बाहर फेंक रहे हैं, और दूसरी ओर ऐरे कांग्रेसियों को अपने सिर पर बिठा रहे हैं। अगर हमें कुछ लोग असन्तुष्ट लगते हों, कामराज योजना से सम्बन्धित मैं आशा की जा सकती थी, और अब सख्त आशा है कि आपके से चुनावों में पुरानी सेवा और तपस्या की भावना से जुट जाने। मैं मदहोशी करके आप सारी बदनामियों को कोस अपने सिर पर मत ओढ़ें।

आप का

(हस्ता.)

APPENDIX XI

CONFIDENTIAL

No. 2497-PMH/63

प्रधान मंत्री भवन
PRIME MINISTER'S HOUSE
NEW DELHI

October 24, 1963

My dear Mahavir,

I have your letter of the 22nd October which reached me yesterday. Forgive me for answering your Hindi letter in English. I have not got my Hindi typist with me at present and I do not wish to delay answering your letter.

Raghunath Singh told me some time ago that there was some feeling among our Party Members about my taking people from outside the Party into the Government. He did not mention your name or, as far as I remember, any name. I spoke to him about it. Subsequently someone, whom I do not remember, said something about a resolution being prepared about this matter. Perhaps your name was mentioned casually in this matter, but soon after, I was told that this was not true and that you were not sending any resolution of the kind. Apart from this I have not had any talks with anyone on this subject.

You say that to take a person from outside the Party would mean that I have no faith in the members of our Party. Surely this is not correct. Normally one does not go outside the Party for such appointments. But there can always be special cases. You will remember that we have had in the past few years a number of non-Party men who joined Government. There was Gopalaswami Ayyangar, Syama Prasad Mookerjee, Shanmugham Chetty, C.D. Deshmukh. The earlier Cabinets that were formed were largely constituted with the advice of Sardar Vallabhbhai Patel and it was at his suggestion that most of these persons were taken. I agreed with him of course. Gopalaswami Ayyangar proved to be a first class man and Minister.

I suppose the present criticism has arisen because of Chagla's name being mentioned. I have also seen in the newspapers Homi Bhabha's name. I think, however, that Homi Bhabha who is the greatest of our scientists, can ill be spared from his particular work. His special ability would be rather wasted if he joined Government, although of course he would do good work even there. I have not thought of

P.T.O.

inviting him to join Government. But Chagla has certainly been in my mind. In fact, he was in my mind when he came back from Washington after the termination of his embassy. But we were hard up then for a suitable person to go as our High Commissioner in London which is one of our most important posts. At my request he agreed to go there for a year or two.

It is true that Chagla has not been a member of our Party or of the Congress, though I am not sure about the latter. For the last nearly twentyfive years, he has been a Judge, Chief Justice, Ambassador to America and High Commissioner in London. He could not possibly be a member of our Party during this long period. But we have known him before this as well as since he became a Judge. His views on politics and otherwise were very largely in consonance with the Congress views. He quarrelled with Jinnah and left him when Jinnah started talking of Pakistan. Ever since then, whether he has been on the Bench or elsewhere, he has given expression to strong nationalist views in keeping with those of the Congress. He has represented us ably in both Washington and London and in both these places, his advocacy of our cause has been outstanding. His ability and broad-mindedness are well known. He is the kind of a person who brings credit wherever he may be placed.

The name of Chagla certainly occurred to me some time ago even before he went to Washington. I thought his association with Government would be greatly to the credit of Government and to our Party. More particularly when Hafizji left us, I was anxious to have some nationalist Muslim in his place. I could not think of a more outstanding person than Chagla for this. This has remained in my mind for these years. I often discussed this matter with some of my colleagues in the Cabinet and everyone to whom I talked of it seemed to approve of the idea. It was natural for me, therefore, to think of him in this connection when he decided to leave the High Commissionership in London and come back here. I felt sure that he would be in a position of strength in our Government, both because of his views and his general progressive outlook, apart from his undoubted ability and position in India.

I do not remember or know whether he was at any time an actual member of the Congress. This could only have been in the thirties, because after that he became a Judge. But, even in those days he was closely associated

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प्रधान मंत्री भवन
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NEW DELHI

with many of us in public affairs and was well thought of by us because we agreed on our general outlook. I think that Gandhiji had a good opinion of him. I have seldom come across a person who is less communal in his outlook than he is. He has stood against communalism in all its shape throughout his career and spoken stoutly against it.

You will thus see that there were adequate grounds for my thinking of him. I feel sure that broadly his coming into Government would be welcomed by our people and would be an acquisition to our Government. When I mentioned this matter to the President, he was also strongly in favour of Chagla.

Yours affectionately,

Jawaharlal Nehru

Shri Mahavir Tyagi, M.P.,
16 Dr. Rajendra Prasad Road,
New Delhi.

APPENDIX XII

Minister of External Affairs
New Delhi

31st August, 1967

My dear Prime Minister,

There is one tenet which I have considered to be basic to my political philosophy—such as I have. And that is the maintenance of unity of India which should override all other considerations. I regret that in my opinion the educational policy of the Government is likely to threaten, if not undermine, that unity.

I am all in favour of the development of Indian languages. I also accept the position that Hindi must ultimately replace English and play the unifying role that English plays today. But I equally strongly believe that the change-over from English to regional languages must be gradual and must not impair educational standards and in the process of the change-over, till Hindi takes the field, the teaching of English should be strengthened and not allowed to recede into obscurity. Even after English ceases to be a link language, it will have to continue as an international language which will help us to keep our contacts abroad.

The time-limit proposed to be set for the change-over in the universities, of five years for undergraduate studies and ten years for all stages, is hopelessly unpractical and unrealistic. Some of the languages mentioned in the Eighth Schedule of the Constitution are highly developed, others are not. Even the former have not got the necessary literature nor the teachers trained to lecture in these languages. It is said that a crash programme of translation will fill up this gap. I disagree. It is not through translation but original work that a language is developed. And original works cannot be produced

overnight. The Education Commission points out that careful preparation should be made for the purpose, and both the manner and the time of transition would have to be left for decision to the university system.

The motto of every university should be to work for excellence and not be a mere factory for the production of graduates. And I dread to think what will happen to excellence if teachers are asked to lecture in a language in which they are not proficient and with the help of shoddy books hastily produced to order.

What will happen to students whose mother tongue is different from the regional language? In many cities you have different media of instruction to cater for a multi-lingual society. They will be practically shut out from universities of the State which will be teaching in the regional language. No thought has been given to this serious problem.

What will happen to teachers who are not conversant with the regional language? Most universities recruit professors on an all-India basis and make use of the best talent available. Are these professors to be turned out? And do we after five years make our universities purely regional with students only from the State and cease to employ teachers outside its boundaries?

I must also point out the harm that an early and unprepared switch-over to regional languages will do to the study of science and technology. This is a scientific and technological age and the horizon of knowledge is expanding at an incredible pace. One can at least translate text-books in the humanities, but in science, apart from the text-books, the student has to keep pace with new discoveries, and this he can only do if he is familiar with the large number of scientific journals which are at present only published in English or other European languages. Therefore, as far as science is concerned, even the translation of text-books will not solve the problem. A large body of scientific scholars must grow up who will be publishing their researches in journals and magazines which will be available to the universities. This is a long and laborious process and must take a very long time. Therefore, a sudden change-over from English to the regional languages must result in a precipitous lowering of standards more particularly in the field of science where, if we wish to industrialise our country and transform its economy, we need the work and co-operation of our best scientists and our best research scholars.

But I would rather deal with the threat to our unity. English, whether we like it or not, has brought about administrative, academic and judicial unity. If Hindi takes its place, no one would be more happy than I. But with the strong feelings prevailing in the South, this cannot be achieved till it has been persuaded to accept the official language indicated in the Constitution. But in the meanwhile, irreparable damage would have been done. Regional languages will take the place of English and the linguistic bond which contributes so much towards our unity, will have been snapped. Mobility of professors and students will become impossible. Administration in the Centre and Centre-State relations will all receive a severe jolt from this policy. I have nightmarish visions of interpreters being needed in a high-powered conference to interpret what one Indian is saying to another. This is why the Education Commission has proposed that in major universities it will be necessary as a rule to adopt English as the medium of education because their students and teachers will be drawn on an all-India basis.

It might be said that as External Affairs Minister I have nothing to do with education. But I believe in collective responsibility and I am as much responsible for the educational policy of the Government as my friend Dr. Sen.

I do not like to remain in Government and criticise its policy. That would be disloyalty. I want to be free to express my opinion. I, therefore, hereby tender my resignation as a member of Government.

Parting is always sad and I am sorry to part company with you and my colleagues. I only wish I was leaving in happier circumstances.

I strongly feel that the steps we are taking are irreversible. In most matters, Government policy, if mistaken, can be corrected. In education it cannot. It affects millions of our people and a whole generation may suffer because we were more concerned with our present difficulties and pressures and did not look sufficiently ahead into the future.

I hope you will permit me to release this letter to the press.

Yours sincerely,

Sd/- M. C. Chagla

Shrimati Indira Gandhi,
Prime Minister,
New Delhi.

APPENDIX XIII

Prime Minister's House
New Delhi

September 5, 1967

Dear Shri Chagla,

I am sorry I could not reply to your letter of August 31st earlier. As you know, I was tied up with all-day meetings of the Working Committee and then the Cabinet. However, I did speak to you and tried to dissuade you from taking an irrevocable decision. When I spoke to you again this afternoon, I was actually engaged in writing to you. While I was still doing this, I learnt that you had thought fit to release your letter to the Press. I am sorry for this.

I do not know if any useful purpose will now be served by my setting out in detail what I was writing, although in my view the inferences you have drawn and emphasised are not correct, and your assumption that our educational policy is undermining the unity of our country is not valid. The maintenance of that unity in the midst of diversity is an essential ingredient of our policy.

Whatever your difficulties, I feel that you might have waited and given more time for discussion with me and our other colleagues before taking this step. However, in the circumstances, I am left with no other alternative than to recommend to the President the acceptance of your letter of resignation. I do this with the utmost regret. Parting with colleagues is always a wrench and you have been an esteemed and valued one. Your integrity is unquestioned and you have worked with a sense of dedication through a most difficult period. You will always have my good wishes.

With regards,

Yours sincerely,

Sd/- Indira Gandhi

Shri M. C. Chagla,
New Delhi.

APPENDIX XIV

REFERENCE TO THE AUTHOR ON HIS RETIREMENT AS CHIEF JUSTICE AND HIS REPLY

On September 25, 1958, the Hon. Chief Justice and all Hon. Judges sat in the middle Court where the members of the Original and Appellate Side Bar and Solicitors had gathered together.

Mr. H. M. Seervai, Advocate General, said.

My Lords,

The Bar is here today to express to my Lord the Chief Justice the affection which every one has for him, and our pride and admiration for his work as a Judge and Chief Justice of this Court. It is a proud privilege to speak for the Bar, but I realise how inadequate my words must appear to this gathering, for, if I tried to say all that is in our hearts and minds today, I would not know where to begin or where to end.

However, my Lord, I have one advantage, for I have been at the Bar with your Lordship for nine years and have a knowledge of you which comes from working together for common ends and from sharing the happy comradeship of a great profession. Your devotion to the Bar shone out at all times, for not only were you a most active member of the Bar Association and its many Committees, but you were a member Secretary of the Bar Council for eight years before you went to the Bench. But the thing which I admired most in you was that you were no dry-as-dust lawyer who looked upon the Law Reports as the last word in human achievement. I imagine no one who has been at Oxford can do so. Rather, to use the words of a great Oxford man, the Earl of Oxford and Asquith, your Lordship always kept with you "the company of great thoughts, the inspiration of great ideals, the example

of great achievements, the consolation of great failures." You thus brought to your work as a lawyer not only a first class mind, but a sense of form and values which is given by a broad and humane culture, qualities which were to prove invaluable for your work as a Judge and for your work with great cultural institutions, like the Bombay University and the Royal Asiatic Society.

Your elevation to the Bench came as no surprise to anyone. In fact, I know the resentment which was felt when it did not come earlier and I remember having expressed that resentment to you at that time, I am afraid, in somewhat strong language.

In 1941 began a judicial career as fine as any within the memory of my generation, and in 1947 when you became the Chief Justice, the whole Court felt the impress of your personality. I can best describe that impress by saying that you were determined to see that in the Court of which you were the Chief Justice, emphasis should be laid, not so much on the sternness and majesty of justice, as on its healing and protective power, for you felt that justice would be an unlovely figure if kindness and mercy did not go hand in hand with her.

As to the Bar, it turned to you in all its difficulties and, I must say, it never turned in vain. You had a smile for all and frown for none, and you made everyone feel happy and at home in your Court. All this could not have been achieved without great self-discipline and natural goodness of heart. For your keen and well-trained mind must have found it trying, at times, to listen to pedestrian or disjointed arguments. But no disparaging or sarcastic remark ever escaped your lips. On the contrary, you assisted the most untrained lawyer to disentangle the real point in the case and enabled him to win, if the point was a good one. Besides, every advocate knew that you were determined within the farthest limit permitted by law to see that right was not worsted and wrong did not triumph. But, my Lord, no mere enumeration of particulars can re-create the atmosphere of your Court. We who have been privileged to be in it are thankful that such a Court was given to us for so long. Our only regret is that our prayers that that Court should be continued for at least two more years have remained unanswered, and we know that the regret is shared by the citizens of this great State whom you have served so devotedly and so well.

Spontaneous tributes to the atmosphere of that Court have been paid from time to time. The latest within my hearing was paid only a few days ago. A learned friend applied to your Lordship to take up his appeal in two or three days. As that was not possible, you offered to

transfer it to a Court where it could be so heard. "No", came the swift answer, "I do not want to lose my forum. You can hear this appeal five or six weeks later". As I sat listening to this tribute, my mind went back across the years to 1941 when an unknown and untried advocate had filed a petition against Government Telephones Board. It was a difficult matter and he was delighted when it appeared on your Lordship's Board. Three of the top-most advocates were appearing against him, but with the optimism of youth he was not worried about that. But he was worried, as my friend was worried the other day, to lose his forum, and so as a condition of his agreeing to an adjournment, he had the case fixed on your Lordship's Board subject to overnight part heard. Your firm, even-handed and resolute handling of that case, as of every case which has come before you, enabled the unknown advocate to present his arguments as he would have wished to, unoppressed by the eminence of the advocates who were ranged against him, and enabled him to win the case. If I have ventured to recall that case, it is because it seems to me fit and proper that one of the countless advocates who found their feet in your Lordship's Court should be here today to express to you their thanks and his own.

My Lord, if I left the matter there, your Lordship might remind us that perfection is not the lot of man; that your work as a Judge has been done for seventeen years under the fierce light that beats upon a Judge and can therefore hardly have escaped criticism. I will therefore say this in advance, that as Lord Radcliffe has put it "Criticism is essentially a method of appreciation" The criticism of a great poet or playwright leaves his essential greatness untouched; or rather brings it out in a more striking fashion. And I will say this: The tale of these seventeen years is not told only in the brightly written pages of the Law Reports. Your work has gone much further, for it has been woven into the texture of other men's lives where it will continue to stir them to speech or action as occasion may come by.

Some of the things I have been trying to say in my inadequate prose are so beautifully expressed by a poet that I must let him speak for me. He wrote:

"Kindliness and grace,
Excellent courtesy,
A brightness in the face,
Airs of high memory,
Whence came all these to such as he?

No man less proud than he,
None asked for homage less;

Only, he could not be,
Far off from happiness,
Nature was bound to his success."

In bidding your Lordship a most affectionate farewell, the Bar can wish nothing better than that this brightness in the face will always be yours, and that success will abide with you wherever you may go.

Mr. Y. V. Chandrachud, Government Pleader, said:

May It Please Your Lordship,

To me, as to many others, it has always been a great pleasure and a privilege to appear before your Lordship; but today there is a sad and a strange scent in the air. The proceedings of this evening can never remain part-heard, for today we meet but to part. The thought that these are my last submissions before your Lordship fills my mind with regret and the tongue that revels in twitter feels tied.

It is flattering to entertain the notion that today it is for us to judge and to deliver our verdict. How we wish, My Lord, that we had the liberty to reserve our judgment for a few years more! But man proposes and Government disposes. For one thing, it is no mean task to judge one who for seventeen years has judged so fairly and so fearlessly; for another, the amplitude of your achievements is so striking that I despair of enumerating them. I feel oppressed by the thought that in seeking to recount your distinctions, I may omit to make a reference to a salient achievement. I may, for example, mention that you were a Vice-Chancellor of the University of Bombay, that you represented India on the United Nations Organisation, that you worked as an Ad Hoc Judge of the International Court at the Hague; and I may still, unwittingly, omit to mention that you are a connoisseur of art, that you are a fascinating public speaker and you are as keenly interested in literature as in law. Any one on whom the duty falls, as it has fallen on me today, would be conscious of two difficulties—one, that there is so much to be said in so short a time; and two, that so much of it has been so well said already.

Since after assuming the office of the Chief Justice of this Court, your Lordship sat for long spells on the Appellate Side to hear revisional applications, second appeals and the petitions for writ, it was feared that one, who first as a counsel and then as a Judge, had dealt with matters involving heavy claims on the Original Side, might be prone to

treat our revision applications and our second appeals as inconsequential. But the fears proved unfounded and were soon allayed. We realised that it is a cramping conception to think that cases are big or small on account of anything intrinsic or inherent in themselves. They are important or unimportant according to what the Judge chooses to make of them. Charles Lamb has said that "to a genuine accountant the difference of proceeds is as nothing. The fractional farthing is as dear to his heart as the thousands which stand before it". The seemingly small issues which were involved in matters arising under the Rent Act, the Tenancy Act, and the Bombay Agricultural Debtors' Relief Act awaited your transfiguring touch. You dealt with the fractional farthings in our revisions and second appeals as if they were worth their weight in gold. That, according to Benjamin Cardozo, is the true spirit in which every Judge must approach his task.

The earlier part of your career as a Chief Justice coincided with a period of legislative fertility. In those hectic days when legislative reform was ahead of social consciousness, Courts of law were called upon to construe statutes which were loosely described as policy legislations. In construing those statutes, you exhibited a remarkable judicial craftsmanship in adapting the stern rule of law so as to meet the requirements of ethical principles.

On the enactment of the Constitution of India in 1950, problems without precedents pressed for solution in Courts of law. In tackling these problems, your innate sense of what is just and fair and the liberality of your social outlook enabled you to hold the scales of justice even between the rule of law and the liberty of the individual. To borrow your own words from the inaugural address which you delivered in the Spring Lecture Series at Poona in 1950, the ideal which you set before yourself was that "men must be prepared to sacrifice their individual liberty for social happiness; but for no other consideration, for nothing short of this, can liberty be called upon to make a sacrifice." Your judgments in constitutional matters arising under arts. 226 and 227 are, with great respect, a unique combination of good law and good literature. While reading those judgments, one often gets the feeling that one is attending a reception held to celebrate the wedding of law and literature.

Well, my Lord, I am afraid I am trying to cover a long and glorious career in a very short compass. But before I take your Lordship's leave, I feel I will be failing in my duty if, on behalf of the Appellate Bar, I did not express our deep sense of gratitude to your Lordship for the efforts which you made to encourage young talent on the

Appellate Side. With your departure, the doors are closed unto a Court which will be remembered as long as this High Court is remembered—the doors are closed unto a Court which will be remembered for its majestic dignity, its independence and its integrity, its learning lightened by a lively wit and, may I say, my Lord, for its impatience to do justice.

On behalf of the Bar, I bid your Lordship a warm and a longing farewell. Wherever you be, my Lord, our good wishes and our goodwill shall forever be with you. Whatever else I may say today, I shall have to answer the silent reproach of my conscience that I am inferior to my subject. I only seek solace in the thought that unsung melodies are sweeter because they are like songs without words.

May it please you, My Lord.

Mr. N. H. Sethna, President of the Bombay Incorporated Law Society, said:

My Lord,

On behalf of the Bombay Incorporated Law Society and the Attorney's profession, I beg to associate myself with the happy sentiments expressed so gracefully by the Advocate General and by the Government Pleader. My Lord, both of them have used words which I can rarely attempt to copy. My profession is prosaic. I can only refer to, in place of what the Advocate General spoke about the year 1941, an event which occurred some thirty years ago, in the late twenties, when Sir Jamshedji Kanga was the Advocate General. My Lord, at that time a hardy litigant was dissatisfied and annoyed with the treatment which was given to him by certain seniors, so also was the attorney concerned. Both of them conspired to find out some junior who would take up that man's work and be able to give battle to the seniors who may be opposing him. My Lord, at that time, the choice fell upon your Lordship and upon Mr. C. K. Daftary, who was also your senior but not very much senior. My Lord, the vigorous advocacy your Lordship exhibited at that time, and the persuasive manners and the dash shown at that time naturally enlivened the litigant. In you, my Lord, he found success. But that was not all. In the course of the arguments it was found that your Lordship balanced them so well that the seniors at that time spoke of a judicial mind and not an advocate's mind. My Lord, when soon thereafter your Lordship was elevated to the Bench, your Lordship carried with yourself the

same acumen and also the same courtesy and sympathy. Attorneys of this Court, my Lord, were always anxious to appear before your Lordship in Chambers. I have known of cases, my Lord, where they were prepared to argue against even senior counsel as they had such complete confidence in your Lordship.

My Lord, that was not all. On a certain occasion, when your Lordship was Administrative Judge, certain articled clerks felt that they had been badly let down in their examination. They made a representation to your Lordship as a moderator, with the result that some more gentlemen went through the examination, and I see, my Lord, at least two of them are practising today with credit to their profession.

My Lord, the same courtesy and sympathy your Lordship carried with you when you were elevated to the office of the Chief Justice of this Court. As such, my Lord, our Society had on several occasions to appear before your Lordship to make representations. Often it so happened that unasked for your Lordship sent for us and wanted to know what we had to say. One of such occasions was when *ad valorem* court-fee was levied by Government. With its apparently irreconcilable elements, your Lordship gathered together the junior members of the Bar, the senior members, as well as the attorneys and your Lordship was able to achieve a result, which, I believe, is not only satisfactory, but which has prevented a debacle in the dual system being finally scrapped. My Lord, for all that the solicitors as a profession are deeply indebted to you, and I feel, my Lord, that if we exist today, and are able to help in the administration of justice in this city to the extent that we could, it is largely due to your Lordship.

My Lord, this is for us a unique occasion. Successive Chief Justices have retired or resigned. This is the first time that we have been permitted by your Lordship to appear on the same platform with the members of the Bar to express a farewell message to your Lordship. Prior to that, we were relegated to another position. My Lord, after all this long and pleasant association, parting in whatever conditions it may be is always full of regrets. But to those of us, my Lord, who have been practising here since before the First War, it is a great wrench.

My Lord, on behalf of the profession, I express to your Lordship our great gratitude for whatever your Lordship has done for us and, my Lord, we hope that future has great store for your Lordship, and our prayers and good wishes will always go with your Lordship wherever your Lordship be.

The Hon. Mr. M. C. Chagla replied:

Mr. Advocate General, Mr. Government Pleader, President of the Incorporated Law Society, Members of the Bar, Solicitors, and Officers of the Court:

I am too deeply moved and touched by the flattering and undeserving tributes you have paid me, so much so that I have almost lost my voice and my words. All partings are sad, but there are some partings which are particularly sad; and when I realise today that I am finally and irrevocably severing my long and intimate connection with the Bar and the Judiciary, the pain I feel is indescribable.

There is a saying in French:

Partir c'est toujours mourir un pen.
"When you depart, a little bit of you dies."

Today a great part of me has died. There is also a saying that when a man is about to die, all the intimate scenes of his life, in which he lived intensely and loved passionately, come before his eyes; and, when I sit before you today, many scenes come before me. I think of the year 1922 when I entered the Bar—a lonely, friendless figure, without any support from solicitors at that stage, and without the support of wealth or influence. Those were days of struggle and starvation. I always felt that I was on the brink, and I never knew when I would topple over into destruction. But there was an excitement and thrill about those days. I think today the juniors at the Bar are much more fortunate than I was. We were practically confined to the High Court. Today you have innumerable tribunals before which you can appear—Income-tax Tribunal, Revenue Tribunal, Sales Tax Tribunal, and many other tribunals. Therefore the lot of the junior is a much happier one today than it was in my days. Further, when I entered the Bar, there was a galaxy of talent. I like to think of the seniors who were practising then, starting with Inverarity, who was still in practice, Strangman, Sir Chimanlal, Coltman, Jinnah, Kanga, Bhulabhai Desai, Mulla and Taraporevala. Forgive me if I have forgotten any other distinguished figures. That was the first rank. Behind them were men like Motilal. That was the second rank. In the third rank were Munshi and M. V. Desai, whom I see here. Behind the third rank there was a fourth rank, and as I entered the portals of the Bar Library, I asked myself, "Will I ever be able to penetrate this iron ring?" I am still surprised how any solicitor had the courage to place a responsible brief in my hands when so much talent was

available. Then came an end to the days of starvation, the period of struggle was over, and it was a relief to feel that at least to a certain extent I had come through.

Then came six years on the Bench on the Original Side. They were comparatively peaceful days of long witness actions, compromises, few judgments, orders on motions and chamber summonses, where we never wrote a judgment and let the appellate Court guess as to how or why we made the order! Then a miracle took place—a miracle which we never in our wildest imagination dreamt of; and the miracle was that England abdicated her Empire and India became free. The High Court began to function in a free atmosphere, and I had the honour, the distinction and the privilege to be the first Indian Chief Justice of this Court. I want to assure you, with all the sincerity that I possess, that whatever honour may be conferred upon me in future, whatever be my destiny, there is no honour which I will cherish more, which I will appreciate more, than the honour and the privilege of having been able to guide the destinies of this Court when freedom came to this country.

Well, after 1947, many things have happened. In this State there was complete separation of the Executive from the Judiciary, which was a great achievement on the part of the State. There was unification of the Bar with very happy results. But I am not yet satisfied because we still have Pleaders in this State, and the first thing that I did as Chief Justice was to try and remove the stigma from these practitioners. Today pleaders are recruited from the same source as advocates, and I have been fighting with the Government to bring about the position where all practitioners in this State will be of the same standing and of the same status. Then we had the integration of the States, and then came the formation of the great bilingual State of Bombay. I think today I can say with justifiable pride that our High Court occupies a premier position in India. It would be sheer vanity, and indecent egoism, for anyone to suggest that this has been brought about by any Chief Justice presiding over the High Court. Various factors have contributed to this, and let me enumerate them.

The first is my good fortune in having the colleagues that I had and have. This is the only High Court in India where men in large practice have given up their practice to accept seats on the Bench. When I look round on both sides of me today—and you will agree with me—I feel proud to have as my colleagues men who have sacrificed a very lucrative practice at the Bar to accept a seat on the Bench. You

have no idea of the powers of persuasion which I had to use in order to bring them round. When I had to travel in connection with the work of the Law Commission, I was told by some people that a lot of canvassing was going on for Judgeships, and I had to tell them that in my case I had to beg of members of the Bar, appeal to their sense of duty, and point out to them that the traditions of this High Court required them to accept a seat on the Bench. They could not understand what was happening in Bombay! That, I think, was perhaps the proudest privilege I had—to have been able to persuade men of undoubted talent, men of large practice, to accept seats on the Bench.

The second factor is that our High Court has a very strong Bar. I have always taken the view that a strong Bar and a strong Bench act and react on each other, and I have always confessed that administration of justice is impossible without a strong Bar to aid the Bench. After all, what is justice? You must hear both sides, and then do your best to come to a fair and equitable conclusion. But you cannot hear both sides, and both sides cannot be presented to you, unless you have a strong Bar. It is the duty, the right, and the privilege of a member of the Bar to put before the Court the relevant and material facts which ultimately lead to the judgment and the decision. It is for him to sift unconnected documents and unconnected facts, and present to the Court a coherent and harmonious picture on which the Court can rely. If I may say so—and perhaps this is the last word I will say to the Bar—I have had every possible assistance, and every possible co-operation from the Bar, and if I have succeeded in doing anything at all it is largely due to the members of the Bar practising in the Courts over which I presided.

The third factor is the solicitors. We have in this city competent, able, experienced solicitors who help counsel practising on the Original Side, and Judges sitting on the Original Side to dispose of matters involving lakhs of rupees. When I hear Original Side appeals, and when I see the preparation and the presentation of arguments, I know, having been at the Bar, to what extent all that is due to the hard, persevering and unrecognised labours of the solicitors, and let me take the opportunity of recognising their merit which is often not acknowledged.

Finally, and this is also an important factor, I have been very fortunate in having a wonderful staff; from the highest to the lowest member of that staff I have received devoted and uncomplaining

services, and if you only knew how hard and laborious administrative work sometimes is, you will realise that that work would never have been successfully done if I had not the assistance, apart from my colleagues who helped me in the administrative work, of the wonderful staff which this High Court possesses.

Now, what has this High Court achieved? I think, first and foremost, in these last eleven years we have succeeded in establishing a very important principle, and that principle is that the Executive should have no influence over the Judiciary, and should not interfere with the Judiciary. I assure you, it was a long struggle, sometimes acrimonious, but I must say this of our present Government—and I think my colleagues will agree with me—that as far as Bombay is concerned, we can proudly say today that there is absolutely no attempt on the part of the Executive to interfere with the Judiciary. The principle of the independence of the Judiciary is finally established.

The second achievement of the High Court, of which I am particularly proud, is the confidence that the common man has in this Court. I am not ashamed to confess that we have shown sympathy for the worker, for the minor, for the widow; that we have set our face against the tax-evader; and that we have tried to uphold social legislation. I may be told that a Judge should have no bias, and that he should decide according to law. That is perfectly true. We have taken our oath, and I hope we are true to our oath. Ultimately, whatever sympathy we may show, the decision must be according to law and not according to sympathy. We also realise that it is for the Legislature to lay down the policy, and it is for the Judges to interpret that policy. But the outlook and the approach of the Judge must, to a large extent, help him to mould the law by interpreting it in one way or the other. A very great American Judge—one of the greatest Judges, Mr. Justice Holmes—always used to say that in most cases he could decide a case either way and it was a matter of balance. He says that it was there that the inarticulate major premise of the Judge came in; it was there that the bias of the Judge expressed itself. Because, however much a Judge may try to be objective, he is human, and his outlook and his approach cannot be eliminated from the consideration of the matter before him. Another well-known American writer, Cardozo, said that in the long run the guarantee of justice depends upon the personality of the Judge. He did not mean 'personality' in the sense of whether the Judge was good-humoured, or lost his temper or quarrelled with the Bar. The Judge's personality is his upbringing, his outlook, everything that went to make of him a man.

I do believe that to a large extent a Judge must be isolated. But I refuse to believe that a Judge must so cut himself off from society that he should not know what is happening around him, and, again to quote Mr. Justice Holmes, a Judge should always be conscious of 'the felt necessities of the time'. What are 'the felt necessities' of our time? We want to remove social and economic inequality; we wish to progress; we wish to have reform; we wish to make our country a great country. I feel a Judge would be unworthy of being a Judge if, sitting on the Bench, he was not conscious of these 'felt necessities' of our time.

Very few people in the world have received at all stages of their lives such kindness as I have received. No person deserves such kindness, and it would be sheer vanity on my part to suggest that this kindness was due to any merit or virtue in me. I remember, when I assumed the office as Chief Justice in 1947, I offered one prayer to God. I said to God, "I am inheriting a great High Court, with great traditions, and with a great reputation. Allow me this, that when I hand over my Chief Justiceship to my successor, I shall leave the High Court with the same traditions and the same reputation." It is not for me to say whether my prayer has been answered.

I must now say farewell. As I came to this Court today, as I walked down the corridor to my chamber, as I changed into my Court clothes, as I heard arguments of counsel, as I delivered my last judgment, and as I sat and had tea with my colleagues who with me constitute a very happy family, I said to myself, "Alas; it is for the last time!" But allow me to say this to you, that wherever I may be, whether it is in Washington or in any other part of the world, this High Court will always be in my mind. I shall always be watching with anxious interest this High Court discharging its noble mission of doing justice between man and man, and between man and the State.

APPENDIX XV

PORTRAIT OF A JUDGE

By

N. A. Palkhivala

Justice Cardozo said that the work of a judge was in one sense enduring and in another sense ephemeral. What is good in it endures, what is erroneous is pretty sure to perish. The good remains the foundation on which new structures will be built. The bad will be rejected and cast off in the laboratory of years.

There is an immeasurable amount of good in Chief Justice Chagla's long series of judgments, the last of which was delivered a few days ago. They bear the impress of a great and cultured mind—quick in perception, broad in vision, fresh in approach. Justice Chagla knew that reported cases were only "the small change of legal thought." The enduring currency is that of first principles, and he liked to rest his judgments on them. He was at his best in dealing with cases where analogies are equivocal and precedents are silent.

The law was to him no lifeless conglomeration of sections and decisions. He illumined justice and humanised the law. He achieved the incredible and humanised even the taxing laws. It is a trite saying that tax and equity are strangers, but he demonstrated that they need not be sworn enemies. His contribution to the growth of Income-tax Law is perhaps the most monumental contribution ever made by any individual judge. Even Justice Rowlatt's work did not cover so wide a field or open up so many fresh avenues for the growth of the law.

His one burning desire was to do real justice. In achieving that aim, he brushed aside the conservatism which fails to conserve and which

nurtures the form at the expense of the substance. He went straight for the jugular vein of every matter which came before him,—"the hub of the case." His judgments had no dark nooks or misty corners.

Daniel Webster used to say that "the power of clear statement is the great power at the Bar." It is also the great power on the Bench, and Justice Chagla had it in a pre-eminent degree. He wrote his judgments effortlessly, spontaneously. They are tinged with the essential characteristics of his own personality – sweetness and light.

His Report in the L.I.C. Inquiry is a landmark in the history of public life in this country and bears testimony to his fearless and high-minded nature and his shrewd appraisal of men and human affairs.

To the Romans, Justice was a goddess whose symbols were a throne that tempests could not shake, a pulse that passion could not stir, eyes that were blind to any feeling of favour or ill-will, and the sword that fell on all offenders with equal certainty and with impartial strength. This goddess brooded over the Chief Justice's Court but her stern features had relented into a compassionate smile, and the language of the statute was sometimes subjected to severe strain when one of the parties before the Court was

"the ranker
the tramp of the road,
The slave with the sack on his shoulders
pricked on with the goad,
The man with too weighty a burden, too weary a load."

His incredible open-mindedness has passed into a byword. No case was ever lost or won in his Court till the last word was spoken. His first impressions, his tentative views, had but a frail hold on existence; he never allowed them to obstruct the light streaming in from even the humblest and junior-most member of the Bar.

The man was as great as the judge. For years and years to come, memory will hold back the door and the counsel who had the privilege of appearing before him and others who came in contact with him will recollect with nostalgic pleasure his unfailing courtesy, his unfeigned humility, and his innate graciousness.

The country paid him great honours and gave him historic assignments, but at all times he remained the gentle, modest, affectionate

man. There are few persons whom the following lines of James Russell Lowell fit better:

His magic was not far to seek,—
He was so human! Whether strong or weak
Far from his kind he neither sank nor soared,
But sat an equal guest at every board.
No beggar ever felt him condescend,
No prince presume; for still himself he bore
At manhood's simple level, and where'er
He met a stranger, there he left a friend.

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